

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts
IN THE YEAR
1938
TOGETHER WITH
TABLES SHOWING CHANGES IN THE STATUTES, ETC.

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ACTS AND RESOLVES

OF

MASSACHUSETTS

1938

 The General Court, which was chosen November 3, 1936, assembled on Wednesday, the fifth day of January, 1938, for its second annual session.

His Excellency CHARLES F. HURLEY and His Honor FRANCIS E. KELLY continued to serve as Governor and Lieutenant Governor, respectively, for the political year of 1938.

ACTS.

AN ACT AUTHORIZING THE QUESTION OF THE FIXING OF THE TERM OF OFFICE OF THE SELECTMEN OF THE TOWN OF NATICK TO BE PLACED UPON THE OFFICIAL BALLOT TO BE USED AT ITS CURRENT ANNUAL TOWN MEETING. Chap. 1

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be submitted to the registered voters of the town of Natick at the annual town meeting in the current year the following question, which shall be placed upon the official ballot to be used in the several precincts for the election of town officers at said meeting: — “Shall this town elect at its annual town meeting in the year nineteen hundred and thirty-nine one selectman for one year, one for two years and one for three years, and at each annual town meeting thereafter one for three years?” If a majority of the votes in answer to said question is in the affirmative, said town shall elect at its annual town meeting in the year nineteen hundred and thirty-nine one selectman for one year, one for two years and one for three years, and at each annual town meeting thereafter one for three years; provided, that, notwithstanding the provisions of this act, said town may from time to time change the number of its selectmen or the length of their terms of office in any manner provided in chapter forty-one of the General Laws.

YES.	
NO.	

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1938.

AN ACT TO ESTABLISH IN THE TOWN OF NATICK REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS. Chap. 2

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Natick the form of representative town government by limited town meetings hereinafter set forth.

SECTION 2. Upon the acceptance of this act by the town of Natick as hereinafter provided, the selectmen shall forthwith divide the territory thereof into voting precincts, each of which shall be plainly designated and shall contain not less than four hundred registered voters. The precincts shall be so established as to consist of compact and contiguous territory to be bounded, as far as possible, by the center line

of known streets and ways or by other well-defined limits. Their boundaries shall be reviewed, and, if need be, wholly or partly revised, by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting held not later than November twentieth of that year. The foregoing provisions of this section shall not authorize any action contrary to the provisions of section nine A of chapter fifty-four of the General Laws.

The selectmen shall, within ten days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and they shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of chapters fifty to fifty-six, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 3. Other than the officers designated in the by-laws of the town as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total elected membership to be as nearly two hundred and forty as may be.

The registered voters in every precinct shall, at the first annual town election held after the establishment of such precinct, and the registered voters of any precinct affected by any revision of precincts shall at the first annual town election following such revision, conformably to the laws relative to elections not inconsistent with this act, elect by

ballot the number of registered voters in the precinct, other than the officers designated in the by-laws as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect, for the term of three years, one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.

The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election as hereinbefore provided of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each such member by mail of his election.

SECTION 4. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under section three, together with such town meeting members at large as may be provided for by the by-laws of the town, and authority to adopt such by-laws is hereby conferred.

The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.

SECTION 5. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with the town clerk at least ten days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least thirty days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 6. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers and town meeting members, and, as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section nine.

SECTION 7. A moderator shall be elected by ballot at each annual town meeting, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

SECTION 8. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled, until the next annual election, by the remaining members of the precinct from among the registered voters thereof. Upon petition therefor, signed by not less than ten town meeting members from the precinct, notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist, and he shall call a special meeting of such members for the purpose of filling such vacancy or vacancies. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the

town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section four.

SECTION 9. A vote passed by any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending or annulling an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than three per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. All votes upon any questions so submitted shall be taken in the several precinct meetings by ballot, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot:— "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of five days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

SECTION 10. The town, after the acceptance of this act, shall have the capacity to act through and to be bound by its town meeting members, who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a

town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

SECTION 11. This act shall not abridge the right of the inhabitants of Natick to hold general meetings, as secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in said town the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 12. This act shall be submitted to the registered voters of the town of Natick for acceptance at an annual or special town meeting. The vote shall be taken by ballot in precincts in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question which shall be placed, in case of an annual meeting, upon the official ballot to be used for the election of town officers, or, in case of a special meeting, upon the ballot to be used at said meeting: "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act to establish in the town of Natick representative town government by limited town meetings', be accepted by this town?" If accepted by a majority of the voters voting thereon, this act shall thereupon take effect for all purposes incidental to the next annual town election in said town, and shall take full effect beginning with said election.

SECTION 13. If this act is rejected by the registered voters of the town of Natick when first submitted to said voters under section twelve, it may again be submitted for acceptance in like manner from time to time to such voters at any annual or special town meeting within five years thereafter, but not more than five times in the aggregate, and, if accepted by a majority of the voters voting thereon at such an election, shall thereupon take effect for all purposes incidental to the next annual town election in said town, and shall take full effect beginning with said election.

Approved January 25, 1938.

Chap. 3 AN ACT AUTHORIZING THE TOWN OF CUMMINGTON TO VOTE AT ITS CURRENT ANNUAL TOWN MEETING ON THE QUESTION OF GRANTING LICENSES FOR THE RETAIL SALE IN SAID TOWN OF WINES AND MALT BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. The town clerk of the town of Cummington shall place upon the official ballot to be used for the election of town officers at its annual town meeting in the current year the second question set forth in section eleven of chapter one hundred and thirty-eight of the General Laws, as amended by section one of chapter two hundred and seven

of the acts of nineteen hundred and thirty-six. The selectmen of said town are hereby authorized and directed to warn the inhabitants thereof relative to the aforesaid question by including an article in the regular warrant for such meeting, or by serving as early as possible before such meeting a supplementary warrant containing said article. If a majority of the votes cast in said town in answer to said question is in the affirmative, such town shall be taken to have authorized for the remainder of the calendar year nineteen hundred and thirty-eight the retail sale therein of wines and malt beverages only to be drunk on and off the premises where sold, in accordance with the provisions of said chapter one hundred and thirty-eight. The provisions of the General Laws relative to the ascertainment of the result of the voting at state elections on questions set forth in section eleven of said chapter one hundred and thirty-eight and returns thereof shall, so far as practicable, apply to the vote taken hereunder.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1938.

AN ACT ESTABLISHING A SOLDIERS' MEMORIAL COMMISSION
IN THE TOWN OF SHREWSBURY.

Chap. 4

Be it enacted, etc., as follows:

SECTION 1. For the purpose of establishing and maintaining a memorial in the town of Shrewsbury to the men and women who served in the army, navy or marine corps of the United States during the World War, there shall be in said town an unpaid commission to be known as the Soldiers' Memorial Commission of the Town of Shrewsbury, hereinafter called the commission, to consist of the selectmen and town treasurer, ex officiis, and five other members, four of whom, as long as available, shall be men resident in said town who were honorably discharged or released from active World War service in the United States army, navy or marine corps, who shall be appointed in the manner and for the terms hereinafter provided.

For the said purpose the commission shall have power and authority to receive and hold gifts of property, real or personal, from any and all sources, to purchase real estate in said town and to contract for the erection, care, maintenance and supervision of any building or buildings, monument or monuments, or other structure or structures, to be used as such a memorial or memorials. Upon the organization of the commission and the furnishing by the town treasurer of the bond required under section three, the said treasurer shall transfer to the account of the commission all moneys received by said town from the commonwealth under the provisions of chapter four hundred and eighty of the acts of nineteen hundred and twenty-four and interest accumulated thereon to the date of said transfer, and said moneys shall thereupon be available for the purposes of this act.

SECTION 2. The selectmen of said town shall appoint, not later than September first of the year in which this act is accepted, two members to serve until the expiration of one year, two members to serve until the expiration of two years, and one member to serve until the expiration of three years, from the first Monday in September in such year, and thereafter, as the terms of such members expire, successors shall be appointed in like manner for terms of three years each. Vacancies shall be filled in like manner for unexpired terms. Appointed members shall in all cases hold office until their successors are qualified. The members of the commission as at first constituted shall meet and organize within thirty days after all of its members have been duly qualified.

SECTION 3. The town treasurer shall be the custodian of all funds received by the commission and shall, as directed by the commission, invest and reinvest such funds. He shall furnish a bond satisfactory to the commission for the faithful performance of his duties. The commission shall keep a record of its doings, and shall annually make a report to the town showing the total amount of its assets and their investments and its receipts and disbursements during the year preceding, setting forth in detail the sources of such receipts and the purposes of the expenditures. Said report shall be incorporated in the annual report of said town.

SECTION 4. This act shall take full effect upon its acceptance by vote of the voters of said town at an annual town meeting held within three years from the date of the passage of this act.

Approved January 27, 1938.

Chap. 5 AN ACT ENABLING THE TOWN OF MILTON TO SELL AND CONVEY A PORTION OF A PUBLIC PLAYGROUND IN EAST MILTON.

Be it enacted, etc., as follows:

SECTION 1. The town of Milton may sell at public auction or private sale, and convey, the whole or any part of two parcels of real estate situated in said town, which have been held for playground purposes and are no longer needed for public use, and shall use the proceeds of such sale for the purposes stated in section sixty-three of chapter forty-four of the General Laws. Said parcels are bounded and described as follows: —

First Parcel: Beginning at a point located by a stone bound at the intersection of the westerly side line of land of the Old Colony Railroad Company leased to the New York, New Haven and Hartford Railroad Company and the easterly boundary line of land of the town of Milton known as the East Milton playground, thence from said point of beginning running in a southerly direction along said land of the town of Milton, two hundred seventy-two and fifty-eight one hundredths feet to a point on the northerly side line of St. Agatha road, said point being distant westerly sixty-five and seventy-five one hundredths feet from a stone bound on

said side line of St. Agatha road set at the point of curve forming the junction of the said northerly side line of St. Agatha road and the westerly side line of Nash street; thence turning at an angle of ninety-two degrees forty-one minutes forty seconds and running westerly along the northerly side line of St. Agatha road extended, a distance of eight and one one hundredth feet to a point; thence turning at an angle of eighty-seven degrees eighteen minutes twenty seconds and running northerly through land of the town of Milton two hundred seventy-nine and forty-two one hundredths feet to a point on said westerly side line of land of the Old Colony Railroad Company; thence turning at an angle of fifty-one degrees four minutes and forty seconds and running southerly along said westerly side line of land of the Old Colony Railroad Company a distance of ten and twenty-eight one hundredths feet to the point of beginning; containing twenty-two hundred and eight square feet more or less.

Second Parcel: Beginning at a point located at the junction of the southerly side line of St. Agatha road and the easterly boundary of land of the town of Milton known as the East Milton playground, thence running southerly along said boundary line of land of the town of Milton, one hundred and ninety-two and six one hundredths feet to land of the Roman Catholic Archbishop of Boston; thence turning at an angle of eighty-nine degrees thirty-six minutes ten seconds and running westerly along said land of the Roman Catholic Archbishop of Boston a distance of eight feet to a point; thence turning at an angle of ninety degrees twenty-three minutes fifty seconds and running northerly through said land of the town of Milton one hundred ninety-one and sixty-five one hundredths feet to a point on the southerly side line of St. Agatha road extended; thence turning at an angle of ninety-two degrees thirty-one minutes fifty seconds and running easterly eight and one one hundredth feet along said southerly side line to the point of beginning; containing fifteen hundred and thirty-five square feet more or less. The above described parcels are shown on a plan entitled, "Milton Park Department — Plan Showing a Part of the East Milton Playground Proposed to be Transferred to Private Ownership", dated December seventh, nineteen hundred and thirty-seven, by Forrest J. Maynard, town engineer.

SECTION 2. Action hereunder may be taken by the town at the annual meeting to be held in March in the current year, but not thereafter, except so far as is necessary to carry out the provisions of any vote passed at said meeting or to use as aforesaid the proceeds of said sale.

SECTION 3. This act shall take effect upon its passage.

Approved January 27, 1938.

- Chap. 6 AN ACT PROVIDING THAT THE CHAIRMAN OF THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF MILFORD SHALL BE A TOWN MEETING MEMBER AT LARGE IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and seventy-one of the acts of nineteen hundred and thirty-three is hereby amended by inserting after the word "welfare" in the fifteenth line the words: — , the chairman of the board of sewer commissioners, — so that the first sentence will read as follows: — Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large; namely, any member of the general court of the commonwealth from the town, the moderator, the town clerk, the selectmen, the town treasurer, the town counsel, the highway surveyor, the chairman of the trustees of the public library, the chairman of the finance committee, the chairman of the school committee, the chairman of the board of assessors, the chairman of the board of health, the chairman of the park commission, the chairman of the board of town cemeteries, the chairman of the registrars of voters, the tax collector, the chairman of the board of public welfare, the chairman of the board of sewer commissioners and the town accountant.

SECTION 2. Section one of this act shall be submitted for acceptance to the town meeting members of the town of Milford at the next annual town meeting under an article which the selectmen of said town are hereby directed to insert in the warrant for such meeting, and shall take full effect upon its acceptance by a majority of the town meeting members voting thereon.

SECTION 3. Chapter thirty-five of the acts of nineteen hundred and thirty-seven is hereby repealed.

Approved January 27, 1938.

- Chap. 7 AN ACT AUTHORIZING THE BOARD OF PUBLIC WELFARE OF WEYMOUTH TO APPOINT A WELFARE AGENT, AND ESTABLISHING THE POWERS AND DUTIES OF SAID AGENT.

Be it enacted, etc., as follows:

SECTION 1. The board of public welfare of the town of Weymouth, or the board of selectmen of said town acting as such board of public welfare under a vote of said town as authorized by law, may appoint an agent to be known as the welfare agent, who shall, except as hereinafter provided, be appointed in the month of December to serve, unless sooner removed for cause by said board, for a term of three years from January first next following such appointment, and until the qualification of his successor. Any vacancy in the office of such agent, whether caused by such a removal or

otherwise, shall be filled by appointment by said board of a person to serve, unless sooner removed as aforesaid, for the unexpired term. Said agent shall be the executive agent of the board in all matters of public relief in said town.

SECTION 2. The welfare agent first appointed under this act shall be appointed prior to April first in the current year, and his term of office shall expire on December thirty-first, nineteen hundred and forty.

SECTION 3. This act shall be submitted for acceptance to the town of Weymouth at the annual town meeting to be held in the current year under an article which the selectmen of said town are hereby directed to insert in the warrant for such meeting, and shall take full effect in said town upon its acceptance by a majority of the town meeting members voting thereon; subject, however, to section eight of chapter sixty-one of the acts of nineteen hundred and twenty-one.

Approved January 27, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF
CHIEF OF POLICE OF THE TOWN OF DRACUT UNDER THE
CIVIL SERVICE LAWS. Chap. 8

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Dracut shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the current year in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — “Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled ‘An Act to authorize the placing of the Office of Chief of Police of the Town of Dracut under the Civil Service Laws’, be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take effect, but not otherwise.

Approved January 31, 1938.

AN ACT AUTHORIZING THE TOWN OF WELLFLEET TO BORROW
MONEY FOR SCHOOL BUILDING PURPOSES. Chap. 9

Be it enacted, etc., as follows:

SECTION 1. For the purposes of acquiring land for and constructing one or more buildings for school purposes, and of originally equipping and furnishing said building or buildings, the town of Wellfleet may borrow from time to time,

within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, twenty thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on their face the words, Wellfleet Buildings Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1938.

Chap. 10 AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO TAKE WATER FROM ADDITIONAL SOURCES IN SOUTHWICK AND WESTFIELD AND TO SUPPLY WATER TO SOUTHWICK.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and six of the acts of eighteen hundred and ninety-three is hereby amended by striking out section two and inserting in place thereof the following:— *Section 2.* The said town, for the purposes aforesaid, may lease, or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any property within the limits of said town of West Springfield, and any property situated in the city of Westfield, or the town of Southwick, within the following boundaries, to wit: bounded northerly by Shaker road, so called, in the city of Westfield, bounded southerly by the road leading from Feeding Hills to Southwick, and known as Massachusetts highway route number fifty-seven, and bounded easterly and westerly by lines parallel with and one thousand five hundred feet distant from the center line of Great Powder Mill brook, so called; and may hold the waters, or any portion thereof, of any pond, brook, spring or stream, or of any ground water sources by means of driven or other wells or filter galleries, and the water rights and water sources connected therewith; and also may lease or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary or proper for collecting and storing such water and protecting and preserving the purity thereof, and for conveying such water to any part of said town of West Springfield; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of such water shall be leased, taken by eminent domain, or acquired by purchase or otherwise without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, pumping and filtration plants, wells and filter galleries or other works necessary in carrying

out the provisions of this act shall be subject to the approval of said department. Said town of West Springfield may construct and maintain on the lands acquired and held under the provisions of this act proper dams, wells, reservoirs, pumping and filtration plants, standpipes, tanks, fixtures, buildings and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of said department, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary or proper for the establishment and maintenance of complete and effective water works; and may construct, lay and maintain aqueducts, conduits, pipes and other works in, under, upon or over any lands, water courses, railroads, railways, or public or private ways, and along such ways, within said town of West Springfield, said city of Westfield or said town of Southwick, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating, renewing and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, may dig up or raise and embank any such lands, and may enter upon and dig up any such way in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the mayor of the city or the selectmen of the town in which any such way lies, and such way shall be restored by said town of West Springfield to a condition satisfactory to the mayor of the city or the selectmen of the town in which it lies. Said town of West Springfield shall hold said city of Westfield and said town of Southwick harmless from all liability to damages caused by things done under authority of this act upon any way in said city of Westfield or said town of Southwick. Said town of West Springfield shall not enter upon, or construct or lay any aqueducts, conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities.

The said town of West Springfield may supply water to the said town of Southwick upon such terms and conditions as may be agreed upon between said towns, or, in case of failure so to agree, upon such terms and conditions as may be fixed by the department of public utilities; and said town of Southwick is hereby authorized to purchase such water.

SECTION 2. This act shall take effect upon its acceptance by a majority of the town meeting members of the town of West Springfield present and voting thereon at a town meeting called for the purpose within three years after its passage, but the number of meetings so called in any year shall not exceed three.

Approved January 31, 1938.

Chap. 11 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF TYNGSBOROUGH UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Tyngsborough shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the current year in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting:—“Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled ‘An Act to authorize the placing of the Office of Chief of Police of the Town of Tyngsborough under the Civil Service Laws’, be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take effect, but not otherwise.

Approved January 31, 1938.

Chap. 12 AN ACT AUTHORIZING THE CITY OF NORTHAMPTON TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR THE HOLDING IN SAID CITY OF THE STATE CONVENTION OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. The city of Northampton may appropriate a sum not exceeding two thousand dollars for the purpose of providing proper facilities for public entertainment at the time of the state convention of the Veterans of Foreign Wars of the United States, to be held in said city during the current year, and of paying the expenses incidental to such entertainment. Money so appropriated shall be expended under the direction and control of the finance committee for the city council of said city.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1938.

Chap. 13 AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO PAY CERTAIN SUMS OF MONEY ON ACCOUNT OF THE DEATHS OF CERTAIN VOLUNTEER FIREMEN KILLED WHILE FIGHTING A FOREST FIRE IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the town of Plymouth may pay to the widow of Her-

bert R. Benton the sum of fourteen hundred dollars, and a like sum to the parents of James H. Devitt, said Benton and Devitt having been killed while serving as volunteer firemen in fighting a forest fire in said town. Each of said sums shall be paid in monthly payments, not exceeding two hundred and fifty dollars for the first payment and not exceeding fifty dollars for each succeeding payment.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF CHELMSFORD UNDER THE CIVIL SERVICE LAWS. Chap. 14

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Chelmsford shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to the appointment and removal of police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations; provided, that the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the current year in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting:— "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of chief of police of the town of Chelmsford under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take effect, but not otherwise.

Approved February 3, 1938.

AN ACT EXTENDING THE TIME FOR THE ACQUISITION BY THE CITY OF BOSTON OF CERTAIN PROPERTY OF THE DEDHAM AND HYDE PARK GAS AND ELECTRIC LIGHT COMPANY LOCATED WITHIN SAID CITY AND THE LEASE THEREOF TO THE BOSTON CONSOLIDATED GAS COMPANY. Chap. 15

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ninety-two of the acts of nineteen hundred and thirty-seven is hereby amended by striking out, in the fourth and fifth lines, the word "thirty-eight" and inserting in place thereof the word:— thirty-nine, — so as to read as follows:— *Section 1.* The city of Boston, hereinafter called the city, acting through its public works department, and without other authority than that contained in this act, may at any time

before January first, nineteen hundred and thirty-nine, purchase or take by eminent domain the physical property of the Dedham and Hyde Park Gas and Electric Light Company located within said city.

SECTION 2. Section nine of said chapter two hundred and ninety-two is hereby amended by inserting after the word "acceptance" in the first line the words: — during the year nineteen hundred and thirty-eight, — so as to read as follows: — *Section 9.* This act shall take effect upon its acceptance during the year nineteen hundred and thirty-eight by vote of the city council of the city of Boston, approved by the mayor, and the filing of a certificate evidencing such acceptance with the state secretary.

Approved February 7, 1938.

Chap. 16 AN ACT RELATIVE TO PENDING ACTIONS IN WHICH SOLE DEFENDANTS HAVE DECEASED AND THEIR LEGAL REPRESENTATIVES HAVE NOT BEEN CITED WITHIN THE TIME REQUIRED BY LAW.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Relief may be granted as authorized by section one of chapter four hundred and six of the acts of nineteen hundred and thirty-seven in any action which was pending on the effective date of said section, if the granting of such relief would not be in contravention of the constitution. Nothing herein shall be construed as a limitation upon the application of said section with respect to actions commenced on or after said effective date.

Approved February 10, 1938.

Chap. 17 AN ACT AUTHORIZING THE CITY OF MALDEN TO BORROW MONEY FOR HIGH SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of acquiring land for and constructing a high school building and originally equipping and furnishing said building and remodelling the present high school building, the city of Malden may borrow from time to time, within a period of three years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, seven hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Malden High School Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws,

exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1938.

AN ACT REGULATING CERTAIN CONTRIBUTIONS AUTHORIZED
TO BE MADE BY THE COMMISSIONERS ON UNIFORM STATE
LAWS.

Chap. 18

Be it enacted, etc., as follows:

Section twenty-eight of chapter six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth line, the word "one" and inserting in place thereof the word:—two,—so as to read as follows:—*Section 28.* They shall serve without compensation, but each commissioner shall be paid by the commonwealth the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after an account thereof has been audited by the commissioners. They shall keep a full account of their expenditures. They may contribute each year a sum not exceeding two hundred dollars toward the expenses of the conference of commissioners on uniform state laws, the same to be paid from such appropriation for the expense of the commissioners as may be made by the general court.

G. L. (Ter.
Ed.), 6, § 28,
amended.

Commissioners
on uniform
state laws,
expenses.

Approved February 10, 1938.

AN ACT RELATIVE TO THE ELIGIBILITY REQUIREMENTS FOR
THE TRUSTEES OF THE NEW ENGLAND CONFERENCE OF
THE METHODIST EPISCOPAL CHURCH.

Chap. 19

Be it enacted, etc., as follows:

Section one of chapter two hundred and one of the acts of nineteen hundred and five is hereby amended by striking out, in the thirty-third and thirty-fourth lines, the words "All trustees shall be members of said conference, and" and inserting in place thereof the words:—Laymen as well as members of the conference shall be eligible to hold the office of trustee. All trustees,—so as to read as follows:—*Section 1.* As soon as may be after the passage of this act the successors of the trustees who were incorporated by chapter eighty-one of the acts of the year eighteen hundred and twenty-six as the Trustees of the New England Conference of the Methodist Episcopal Church shall divide themselves, by lot or otherwise, into three classes, so that the terms of office of those in the first class shall expire upon the election and qualification of their successors as hereinafter provided, the terms of office of those in the second class shall expire one year thereafter, and the terms of office of those in the third class shall expire two years thereafter. The members of the New England conference shall elect by ballot at its first annual session after the passage of this act three trus-

tees to take the places of said trustees of the first class, at its second annual session thereafter three trustees to take the places of said trustees of the second class, and at its third annual session thereafter three trustees to take the places of said trustees of the third class, all of said trustees so elected to hold office for the term of three years. At each succeeding annual session of said conference the members shall elect three trustees to take the places of those whose terms of office expire. In the event of the death, resignation or incapacity of a trustee the vacancy created thereby shall be filled by the members of the New England conference at its next annual session thereafter by the election by ballot of a trustee to serve for the unexpired term; but, if the number of said trustees shall become reduced to less than five in the interim of the annual sessions of said conference, it shall be the duty of the remaining trustees to fill such vacancies by the election by ballot of other trustees to hold office until the next annual session of said conference. Laymen as well as members of the conference shall be eligible to hold the office of trustee. All trustees shall hold office, save as hereinbefore provided, for the term of three years and until their successors are elected and qualified. The trustees shall fix the times and places for holding their meetings and the manner of notifying the trustees, and shall make such by-laws, not repugnant to the laws of this Commonwealth, as they may think proper for the management of their concerns.

Approved February 10, 1938.

Chap. 20 AN ACT EXTENDING FURTHER THE EXISTENCE OF THE EMERGENCY PUBLIC WORKS COMMISSION AND FIXING THE COMPENSATION OF THE APPOINTIVE COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-seven is hereby amended by striking out, in the last line, the words "first, nineteen hundred and thirty-eight" and inserting in place thereof the words: — thirtieth, nineteen hundred and thirty-nine, — so as to read as follows: — The existence of the Emergency Public Works Commission, established by chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as extended by chapter three hundred and eighty of the acts of nineteen hundred and thirty-five, is hereby further extended to June thirtieth, nineteen hundred and thirty-nine.

SECTION 2. The second paragraph of section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the fourth line, the word "thirty" and inserting in place thereof the word: — fifteen, — and by striking out, in the fifth line, the words "three thousand" and inserting in place thereof the words: — seven hundred and fifty, — so as to read as follows: —

Each appointive member of the commission shall receive from the commonwealth as compensation for each day's attendance at meetings of the commission, the sum of fifteen dollars; provided, that the total amount paid hereunder to any such member shall not exceed seven hundred and fifty dollars in any period of twelve months. Members of the commission shall receive their traveling and other necessary expenses incurred in the performance of their duties. The commission may employ, subject to the approval of the governor and council, a secretary and such additional expert and clerical assistants as it may require. The commission may call upon any officer, department, board or commission of the commonwealth for such information and assistance as may be needed in carrying out the provisions of this act.

Approved February 10, 1938.

AN ACT TO AUTHORIZE THE CHILDREN'S HOSPITAL IN THE CITY OF BOSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 21

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

The Children's Hospital, incorporated by chapter forty-four of the acts of eighteen hundred and sixty-nine, is hereby authorized to hold, for the purposes for which it is incorporated, real and personal estate to an amount not exceeding ten million dollars in value, including the amount which it is already authorized by law to hold.

Approved February 15, 1938.

AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF APRIL NINETEENTH AS PATRIOTS' DAY. Chap. 22

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Chapter six of the General Laws is hereby amended by inserting after section twelve I, inserted by chapter one hundred and eighty-four of the acts of nineteen hundred and thirty-five, the following new section: — *Section 12J.* The governor shall annually issue a proclamation calling for a proper observance of April nineteenth as Patriots' Day, in commemoration of the opening events of the War of the Revolution and the struggle through which the nation passed in its early days. G. L. (Ter. Ed.), 6, new section 12J, added.
Observance of Patriots' Day.

Approved February 15, 1938.

Chap. 23 AN ACT REVIVING THE CENTRAL CAPE REALTY CORPORATION FOR THE PURPOSE OF SELLING AND CONVEYING CERTAIN LANDS AND DISTRIBUTING THE PROCEEDS OF SUCH SALES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Central Cape Realty Corporation, a corporation dissolved by chapter one hundred and eighty-seven of the acts of nineteen hundred and thirty-four, is hereby revived for the sole purpose of selling and conveying title to certain lands situated in the commonwealth and distributing the proceeds of said sales among its creditors and stockholders entitled thereto.

Approved February 15, 1938.

Chap. 24 AN ACT REVIVING THE HALEY ELECTRICAL APPLIANCE CO. FOR THE PURPOSE OF CONVEYING CERTAIN REAL ESTATE AND DISTRIBUTING THE PROCEEDS THEREOF.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Haley Electrical Appliance Co., a corporation dissolved by section one of chapter one hundred and eighty-seven of the acts of nineteen hundred and thirty-four, is hereby revived and continued for a period of two years from the effective date of this act for the sole purposes of selling and conveying title to certain property situated in the town of Marblehead and of distributing the proceeds of said sale among those entitled thereto.

Approved February 15, 1938.

Chap. 25 AN ACT RELATIVE TO THE RENEWAL OF CERTAIN TEMPORARY REVENUE LOANS BY CITIES AND TOWNS.

Emergency
preamble.

Whereas, The deferred operation of this act would, in part, defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter twelve of the acts of nineteen hundred and thirty-five is hereby amended by striking out, in the eighth line, the word "or" and inserting in place thereof a comma, — and by inserting after the word "thirty-six" in the same line the words: —, nineteen hundred and thirty-seven or nineteen hundred and thirty-eight, — so as to read as fol-

lows:— Any city or town, with the approval of the board specified in clause nine of section eight of chapter forty-four of the General Laws, may extend, for a period or periods not exceeding in the aggregate six months beyond the maximum term provided by law for an original revenue loan, any loan issued in anticipation of the revenue of the year nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven or nineteen hundred and thirty-eight, and the approval as aforesaid of any such extension shall authorize the issue of renewal notes for the period or periods so approved, notwithstanding the provisions of said chapter forty-four. During the time that any such revenue loan, extended as aforesaid, remains outstanding, none of the receipts from the collection of taxes assessed by such city or town for the year against the revenue of which such loan was issued or for prior years shall be appropriated for any purpose without the approval of the board.

Approved February 15, 1938.

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID TOWN DURING THE CURRENT YEAR THE STATE CONVENTION OF THE UNITED SPANISH WAR VETERANS.

Chap. 26

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth may appropriate a sum, not exceeding fifteen hundred dollars, for the purpose of providing proper facilities for public entertainment at the time of the state convention of the United Spanish War Veterans, to be held in said town during the current year, and of paying expenses incidental to such entertainment. Money so appropriated shall be expended under the direction of the selectmen of said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE TOWN OF BELMONT UNDER THE CIVIL SERVICE LAWS.

Chap. 27

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the town of Belmont shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments of towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the registered voters of said town at the annual town meeting in the year

nineteen hundred and thirty-eight in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the general court in the current year, entitled 'An Act to authorize the placing of the Office of Chief of the Fire Department of the Town of Belmont under the Civil Service Laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise.

Approved February 15, 1938.

Chap. 28 AN ACT REQUIRING THE FURNISHING OF INFORMATION TO THE DIRECTOR OF THE DIVISION OF THE BLIND BY CERTAIN BANKS AND OTHER DEPOSITORIES RELATIVE TO CERTAIN DEPOSITS THEREIN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 69, new section 23A, added.

Banks, etc., to furnish information of deposits of certain persons.

Chapter sixty-nine of the General Laws is hereby amended by inserting after section twenty-three, as appearing in the Tercentenary Edition, the following new section:— *Section 23A.* A treasurer of a savings bank, institution for savings, national bank, trust company, co-operative bank, benefit association, insurance company or safe deposit company who, upon request in writing signed by the director, or his duly authorized agent, unreasonably refuses to inform him of the amount deposited in the corporation or association to the credit of a person named in such request who is a recipient of aid under the preceding section or an applicant therefor, or who wilfully renders false information in reply to such request, shall forfeit fifty dollars to the use of the commonwealth.

Approved February 15, 1938.

Chap. 29 AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO REQUIRE THAT WARNING SIGNS AT GRADE CROSSINGS OF RAILROADS AND PUBLIC WAYS BE EQUIPPED WITH REFLECTOR BUTTONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 160, § 142, amended.

Warning signs at grade crossings.

Section one hundred and forty-two of chapter one hundred and sixty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "stroke" in the twelfth line the following new sentence:— The department of public utilities may, in respect to any such public way, after notice and hearing, by order require that said signs shall also be equipped with reflector buttons, — so that said section as amended shall read as follows:— *Section 142.* Every county, city and town shall, except as hereinafter provided, and the department of public works shall, unless in any case it deems it unnecessary or impracticable so to do, place and maintain warning signs on every public way subject to its jurisdiction, where the way crosses the tracks of a railroad at grade. The signs shall

consist of a metal disc twenty-four inches in diameter, the field thereof to be enamelled yellow, with an enamelled black border line one inch wide, and with an enamelled black perpendicular and horizontal crossline two and one half inches wide; the reverse side of the disc to be colored yellow. In each of the upper quarterings shall appear, in black enamel, the letter "R", five inches high, three and three quarter inches wide, the lines to be of one inch stroke. The department of public utilities may, in respect to any such public way, after notice and hearing, by order require that said signs shall also be equipped with reflector buttons. The said signs shall be placed in conspicuous situations beside the public way, on each side of the crossing, and at a distance of not less than three hundred feet from the nearest rail of the crossing.

Approved February 15, 1938.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF
BERKSHIRE COUNTY TO EXPEND MONEY FOR THE PURPOSE
OF PROMOTING THE RECREATIONAL ADVANTAGES OF SAID
COUNTY. Chap. 30

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county may, for the purpose of advertising the recreational advantages of said county, expend such sums, not exceeding ten thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the purpose aforesaid. Said commissioners shall expend such sums only for advertising in newspapers, magazines and the like, or for booklets, posters or other forms of advertising. In carrying out the provisions of this act, the county commissioners may designate an agent or agents to act for them; provided, that all bills incurred shall be accompanied by proper vouchers and shall be paid by the county treasurer only on warrants approved by the county commissioners or a majority of them.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of said county.

Approved February 15, 1938.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO ACQUIRE ADDITIONAL PROPERTY IN THE TOWN OF HANSON FOR THE HOUSING OF NURSES OR OTHER EMPLOYEES OF THE PLYMOUTH COUNTY HOSPITAL IN SAID TOWN. Chap. 31

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing necessary additional quarters for nurses or other employees at the Plymouth county hospital in the town of Hanson, the county

commissioners of Plymouth county may purchase a parcel of land, containing approximately twenty-one thousand square feet of land, with the buildings thereon, situated on High street in said town adjacent to said hospital.

SECTION 2. For the purpose aforesaid, said county commissioners may expend a sum not exceeding forty-two hundred dollars, said sum to be paid from the treasury of said county and assessed upon the twenty-six towns and one city in said county, as a part of the annual assessment for maintenance of said hospital, in the month of January, nineteen hundred and thirty-nine, in accordance with section eighty-five of chapter one hundred and eleven of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1938.

Chap. 32 AN ACT RELATIVE TO APPROPRIATIONS BY THE TOWN OF
BOURNE FOR PUBLIC AMUSEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five of the acts of nineteen hundred and thirty-four is hereby amended by striking out, in the first line, the words "two thirds" and inserting in place thereof the word: — majority, — and by striking out, in the second and third lines, the words "twenty-five hundred" and inserting in place thereof the words: — three thousand, — so as to read as follows: — *Section 1.* The town of Bourne may, by a majority vote, appropriate each year a sum not exceeding three thousand dollars for providing amusements or entertainments of a public character. Money so appropriated shall be expended under the direction of the board of selectmen.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1938.

Chap. 33 AN ACT RELATIVE TO APPROPRIATIONS BY THE TOWN OF
BARNSTABLE FOR ADVERTISING THE TOWN AND FOR PUBLIC
AMUSEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and eighty-two of the acts of nineteen hundred and twenty-four is hereby amended by striking out, in the first line, the words "two thirds" and inserting in place thereof the word: — majority, — so as to read as follows: — *Section 1.* The town of Barnstable may, by a majority vote, at its annual town meeting, annually appropriate a sum not exceeding three thousand dollars for the purpose of advertising the advantages of the town and for providing amusements or entertainments of a public character.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1938.

AN ACT RELATIVE TO APPROPRIATIONS BY THE TOWN OF FALMOUTH FOR PUBLIC AMUSEMENTS. *Chap. 34*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and fifty-seven of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the first line, the words "two thirds" and inserting in place thereof the word: — majority, — so as to read as follows: — *Section 1.* The town of Falmouth may, by a majority vote, appropriate each year a sum not exceeding three thousand dollars for providing amusements or entertainments of a public character. The money so appropriated by the town shall be expended under the direction of the board of selectmen.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1938.

AN ACT AUTHORIZING THE CITY OF LOWELL TO CONSTRUCT A PORTION OF A MAIN SEWER WITHIN THE LIMITS OF THE TOWN OF DRACUT. *Chap. 35*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of extending a main sewer of the sewerage system of the city of Lowell, said city may lay a sewer from the existing sewer under Methuen street in said city through a portion of the town of Dracut and connecting with the existing sewer in Humphrey street in said city. For said purpose, said city may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such lands, water rights, rights of way and easements in said town as may be deemed necessary, and, for the purpose aforesaid or for repairing such sewer, may enter upon and dig up such private and other lands or ways in such manner as not unnecessarily to obstruct the same. Said city shall leave any way so dug up in said town in a condition satisfactory to the selectmen of said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1938.

AN ACT EXCLUDING CERTAIN WHEEL-CHAIRS OWNED AND OPERATED BY INVALIDS FROM THE PROVISIONS OF THE MOTOR VEHICLE LAWS. *Chap. 36*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Section one of chapter ninety of the General Laws, as amended, is hereby further amended by striking out, in the G. L. (Ter. Ed.), 90, § 1, etc., amended.

ninth line of the paragraph defining "Motor vehicles", as appearing in chapter one hundred and eighty-two of the acts of nineteen hundred and thirty-two, the words "and concrete mixers" and inserting in place thereof the words: — , concrete mixers and wheel-chairs owned and operated by invalids, — so that said paragraph will read as follows: —

"Motor vehicles" defined.

"Motor vehicles", automobiles, semi-trailer units, motor cycles and all other vehicles propelled by power other than muscular power, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley under chapter one hundred and sixty-three, and motor vehicles running only upon rails or tracks, road rollers, street sprinklers, snow loaders, power excavators, power graders, concrete mixers and wheel-chairs owned and operated by invalids.

Approved February 16, 1938.

Chap. 37 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF EDGARTOWN UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Edgartown shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting or a special town meeting in the current year in the form of the following question, which shall be placed, in case of the annual meeting, upon the official ballot to be used for the election of town officers, or, in case of a special meeting, upon the ballot to be used at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of chief of police of the town of Edgartown under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 16, 1938.

Chap. 38 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE AND THE POSITIONS OF MEMBERS OF THE REGULAR OR PERMANENT POLICE FORCE OF THE TOWN OF OAK BLUFFS UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police and the positions of members of the regular or permanent police force of the

town of Oak Bluffs shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any chief of police or member of such police force of said town shall be unlimited, subject, however, to said laws, but the chief of police and the members of the regular or permanent police force of said town on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the voters of the said town at the annual town meeting or a special town meeting in the current year in the form of the following question which shall be placed, in case of the annual meeting, upon the official ballot to be used for the election of town officers, or, in case of a special meeting upon the ballot to be used at said meeting: "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled, 'An Act to authorize the placing of the office of chief of police and the positions of members of the regular or permanent police force of the town of Oak Bluffs under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 16, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE AND THE POSITIONS OF MEMBERS OF THE REGULAR OR PERMANENT POLICE FORCE OF THE TOWN OF TISBURY UNDER THE CIVIL SERVICE LAWS. *Chap. 39*

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police and the positions of members of the regular or permanent police force of the town of Tisbury shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any chief of police or member of such police force of said town shall be unlimited, subject, however, to said laws, but the chief of police and the members of the regular or permanent police force of said town on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the voters of the said town at the annual town meeting or a special town meeting in the current year in the form of the following question which shall be placed, in case of the annual meeting, upon the official ballot to be used for the election of town officers, or, in case of a special meeting, upon the ballot to be used at said meeting: "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled, 'An Act to authorize the placing of the office of chief of police and the positions of members of the regular or permanent police force of the town of Tisbury under the

civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 16, 1938.

Chap. 40 AN ACT REGULATING THE HOURS FOR OPENING AND CLOSING THE POLLS AT MUNICIPAL ELECTIONS IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and ninety-four of the acts of nineteen hundred and twenty is hereby amended by striking out section twelve, as affected by chapter seventy-four of the acts of nineteen hundred and twenty-four, by chapter one hundred and three of the acts of nineteen hundred and thirty and by chapter fifteen of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 12.* On the third Tuesday preceding every biennial municipal election in the city of Westfield at which any office mentioned in this act is to be filled by the voters, there shall be held a preliminary election for the purpose of nominating candidates therefor. No special election for mayor or any other officer shall be held until after the expiration of forty days from the calling of a preliminary election, except as is otherwise provided herein. At every biennial, preliminary and special city election the polls shall be opened at seven o'clock in the forenoon and shall remain open until seven o'clock in the evening, and the laws of the commonwealth relative to city elections shall apply thereto, except as is otherwise specifically provided herein.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of the city of Westfield, subject to the provisions of its charter, but not otherwise.

Approved February 16, 1938.

Chap. 41 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE TOWN OF BOURNE UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the town of Bourne shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments of towns, and the tenure of office of any incumbent of said office shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the next annual town meeting in the form of the following question, which shall be placed upon the

official ballot to be used for the election of town officers at said meeting: — “Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled ‘An Act to authorize the placing of the office of Chief of the Fire Department of the Town of Bourne under the Civil Service Laws’, be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 16, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE TOWN OF GREENFIELD UNDER THE CIVIL SERVICE LAWS. Chap. 42

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the town of Greenfield shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the current year in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: “Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled ‘An Act to authorize the Placing of the Office of Chief of the Fire Department of the Town of Greenfield under the Civil Service Laws’, be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 16, 1938.

AN ACT ESTABLISHING IN THE TOWN OF UXBRIDGE THE UXBRIDGE ATHLETIC FIELD COMMISSION AND AUTHORIZING SAID COMMISSION TO TAKE OVER, MAINTAIN, MANAGE AND DEVELOP AN ATHLETIC FIELD IN SAID TOWN. Chap. 43

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Uxbridge an unpaid commission, to be known as the Uxbridge Athletic Field Commission. Said commission shall consist of five citizens of said town, who shall be appointed, and may for cause be removed, by the board of selectmen of said town. In the original appointments of the members, one shall be appointed for the term of one year, two for terms of two years each and two for terms of three years

each, and thereafter, as the term of office of a member expires, his successor shall be appointed in like manner for the term of three years. Every member shall serve until the qualification of his successor. Said commission shall elect from its membership a chairman and a secretary. Vacancies in the commission, caused otherwise than by expiration of term of service, shall be filled for the balance of the unexpired term in like manner as in the case of original appointments.

SECTION 2. Said commission shall take over the land owned by the town of Uxbridge, located at the end of Capron street in said town and known as the Uxbridge Fair Grounds, excepting so much of said land as is being used by the town high school building, containing three acres as shown on a plan filed with the town clerk of said town, and may erect buildings and other structures on said land and provide proper equipment therefor; and may hold, maintain, manage, develop, control, lease and let the same for the purposes of all amateur and professional athletics, recreation, play, sports, physical education, celebrations, exhibitions and entertainments. Said commission may make rules and regulations governing said athletic field and may charge for admission to the same.

SECTION 3. Said town may annually appropriate money to the use of said commission for the following uses and purposes, namely:

1. For the care of said land and the care and repair of the buildings and other structures thereon.

2. For the equipment and improvement of the grounds and the construction, alteration and enlargement of the buildings and other structures thereon.

3. For the support and encouragement of athletics, recreation, play, sports, physical education, celebrations, exhibitions and entertainments.

SECTION 4. All revenue received by said commission from said athletic field shall be paid into the treasury of said town.

SECTION 5. Said commission shall annually file with the board of selectmen an itemized and detailed statement of all revenue received from, and of all expenditures made on account of, said athletic field and the buildings and other structures thereon.

SECTION 6. All gifts, donations, bequests and devises made to said town for the maintenance, management and development of said athletic field shall be accepted in behalf of said town by said commission. Such funds so derived and accepted by said commission shall be held by the treasurer of said town and be available and used by said commission for the purposes enumerated in sections two and three, and shall not be diverted or used by said town for any other purpose or purposes. Said commission is further authorized to accept federal or state aid for the development of said athletic field for said town.

SECTION 7. This act shall take full effect upon its acceptance by a majority of the voters of the town of Uxbridge, present and voting thereon at a town meeting called for the purpose within three years after its passage; but the number of meetings so called in any year shall not exceed three.

Approved February 16, 1938.

AN ACT RELATIVE TO THE SIGNING AND SEALING OF STOCK CERTIFICATES OF GAS AND ELECTRIC COMPANIES AND TO THE CONTENTS OF SUCH CERTIFICATES. Chap. 44

Be it enacted, etc., as follows:

Section four of chapter one hundred and sixty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "thirty-one" in the second line the word: —, thirty-three, — so as to read as follows: — *Section 4.* Sections four, eight, nine, twenty-one, twenty-two, twenty-eight, thirty-one, thirty-three and thirty-four of chapter one hundred and fifty-six shall apply to companies subject to the provisions of this chapter.

G. L. (Ter. Ed.), 164, § 4, amended.

Application of business corporation law.

Approved February 16, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE WARE FIRE DISTRICT NUMBER ONE IN THE TOWN OF WARE UNDER THE CIVIL SERVICE LAWS. Chap. 45

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the Ware Fire District Number One in the town of Ware shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments in towns, and the tenure of office of any incumbent of said office shall be unlimited, subject, however, to said laws, but the present incumbent of said office may continue to serve therein without taking a civil service examination.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the voters of the said Ware Fire District Number One present and voting thereon at a district meeting called for the purpose within three years after its passage.

Approved February 16, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE POSITIONS OF REGULAR FIREMEN IN THE FIRE DEPARTMENT OF THE WARE FIRE DISTRICT NUMBER ONE IN THE TOWN OF WARE UNDER THE CIVIL SERVICE LAWS. Chap. 46

Be it enacted, etc., as follows:

SECTION 1. The positions of regular firemen of the fire department of the Ware Fire District Number One in the town of Ware shall, upon the effective date of this act, be-

come subject to the civil service laws and rules and regulations relating to permanent members of fire departments in towns, and the tenure of office of any such fireman shall be unlimited, subject, however, to said laws, but the regular firemen of said department on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the voters of the said Ware Fire District Number One present and voting thereon at a district meeting called for the purpose within three years after its passage.

Approved February 16, 1938.

Chap. 47 AN ACT RELATIVE TO EXEMPTION FROM LOCAL TAXATION OF PROPERTY OWNED BY THE UNITED STATES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 59, § 5, etc., amended.

Section five of chapter fifty-nine of the General Laws is hereby amended by striking out clause First, as amended by chapter eighty-one of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: —

Property of United States exempt from taxation.

First, Property owned by the United States so far as the taxation of such property is constitutionally prohibited.

Approved February 16, 1938.

Chap. 48 AN ACT RELATIVE TO THE TIME OF GIVING NOTICE OF REPRESENTATIVE TOWN MEETINGS IN THE TOWN OF WELLESLEY AND OF FILING NOMINATION PAPERS FOR THE OFFICE OF TOWN MEETING MEMBER THEREIN.

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter two hundred and two of the acts of nineteen hundred and thirty-two, as amended by section two of chapter two hundred and twenty-six of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the tenth line, the word "seven" and inserting in place thereof the word: — five, — so as to read as follows: — *Section 4.* Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under section two, together with such town meeting members *ex officio* as may be provided for by the by-laws of the town, and authority to adopt such by-laws is hereby conferred.

The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least five days before the meeting. The representative town meeting shall be the judges of the election and qualifications of the elected members thereof. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn

from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. Any elected town meeting member who becomes by appointment or election one of the officers designated as town meeting members *ex officio* shall thereupon cease to be an elected town meeting member. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.

SECTION 2. Section five of said chapter two hundred and two is hereby amended by striking out, in the sixth line, the word "ten" and inserting in place thereof the word: — fifteen, — so as to read as follows: — *Section 5.* Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with the town clerk at least fifteen days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least thirty days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed. *Approved February 16, 1938.*

AN ACT RELATIVE TO THE ISSUANCE OF PROCLAMATIONS FOR THE OBSERVANCE OF THE ANNIVERSARY OF THE BATTLE OF NEW ORLEANS. *Chap. 49*

Be it enacted, etc., as follows:

Section twelve F of chapter six of the General Laws, inserted by chapter twenty-three of the acts of nineteen hundred and thirty-five, is hereby amended by inserting after the word "annually" in the first line the words: — in the month of December, — so as to read as follows: — *Section 12F.* The governor shall annually in the month of December issue a proclamation setting apart January eighth as New Orleans Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise, as he may see fit, to the end that the memory of the services of the soldiers and sailors of the war of eighteen hundred and twelve, and the lessons to be learned from the successes and failures of our arms in that war, may be per-

G. L. (Ter. Ed.), 6, § 12F, etc., amended.

New Orleans Day.

petuated, and the governor shall annually cause a national salute to be fired on Boston Common at noon of said day.

Approved February 16, 1938.

Chap. 50 AN ACT RELATIVE TO THE ACCEPTANCE AND USE BY CERTAIN POLITICAL SUBDIVISIONS OF THE COMMONWEALTH OF FEDERAL FUNDS FOR CERTAIN PUBLIC PROJECTS AND TO THE INCURRING OF INDEBTEDNESS THEREFOR.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and four of the acts of nineteen hundred and thirty-five is hereby amended by striking out section nine, added by chapter four hundred and fourteen of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 9.* Wherever, in Part I of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, and acts in amendment thereof and in addition thereto, reference is made to the National Industrial Recovery Act or any title or part thereof, or to the Emergency Relief Appropriation Act of 1935, such reference shall be deemed and held to refer also to all acts and joint resolutions of congress enacted during nineteen hundred and thirty-six, nineteen hundred and thirty-seven or nineteen hundred and thirty-eight, authorizing grants of federal money for public projects.

SECTION 2. All votes of cities, towns or districts passed in nineteen hundred and thirty-six, nineteen hundred and thirty-seven or nineteen hundred and thirty-eight, authorizing the borrowing of money under Part I of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, or any act in amendment thereof or in addition thereto, are hereby ratified and confirmed and shall have the same effect and validity as if section one of this act had been in effect prior to the passage of said votes.

SECTION 3. Nothing in said chapter three hundred and sixty-six, or any act in amendment thereof or in addition thereto, shall be construed to affect the power of a city, town or district to incur indebtedness under chapter forty-four of the General Laws, notwithstanding that the money so borrowed is to be expended in co-operation with the federal government.

Approved February 18, 1938.

Chap. 51 AN ACT AUTHORIZING THE TOWN OF IPSWICH TO PENSION VALORUS H. GRANT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Ipswich may pay to Valorus H. Grant,

who for more than thirty years served as a police officer in said town and whose health was impaired by faithful attention to his duties as such, an annual pension, payable weekly, of such amount, not exceeding one half his annual compensation at the time of his retirement from police service, as the town may vote, such pension to be effective from January first, nineteen hundred and thirty-seven.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of said town present and voting thereon at any annual town meeting called for the purpose within two years after its passage.

Approved February 18, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF AUBURN UNDER THE CIVIL SERVICE LAWS. Chap. 52

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Auburn shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but Charles E. Braman, the present incumbent of said office, may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the next annual town meeting in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of chief of police of the town of Auburn under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 18, 1938.

AN ACT AUTHORIZING THE WORCESTER POLYTECHNIC INSTITUTE TO MAINTAIN A BRIDGE OVER WEST STREET IN THE CITY OF WORCESTER. Chap. 53

Be it enacted, etc., as follows:

SECTION 1. Upon petition and after seven days' notice inserted in at least two newspapers published in the city of Worcester, and a public hearing thereon, the city council of said city may, by a two thirds vote, with the approval of the mayor, issue a permit to the Worcester Polytechnic Institute, a corporation, its successors and assigns, to build and maintain a bridge over West street in said city for the purpose of connecting the property owned and occupied by said corporation on opposite sides of said street, upon such

conditions and subject to such restrictions as the said council may prescribe.

SECTION 2. Any bridge built under a permit granted as aforesaid shall be constructed and maintained at a height not less than fourteen feet above the grade line of the street, and shall not be more than twelve feet in width, and no part of said bridge or its support shall rest on the surface of the street.

SECTION 3. If a traveler on the highway while in the exercise of due care sustains bodily injury or damages in his property, by reason of the construction or maintenance of said bridge, he may recover damages therefor in an action of tort brought in the superior court against said Worcester Polytechnic Institute, or its successors or assigns, within one year after the date of such injury or damage; provided, that such notice of the time, place and cause of the said injury or damage be given to said Worcester Polytechnic Institute, or its successors or assigns, by, or on behalf of, the person sustaining the same as is, under the provisions of chapter eighty-four of the General Laws, valid and sufficient in cases of injury or damage sustained by reason of a defect or a want of repair in or upon a way, if such defect or want of repair is caused by or consists in part of snow or ice, or both. The remedy herein provided shall not be exclusive, but shall be in addition to any other remedy provided by law.

SECTION 4. If any part or section of this act be declared unconstitutional, the validity of its remaining provisions shall not be affected thereby.

SECTION 5. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved February 18, 1938.

Chap. 54 AN ACT RELATIVE TO THE DISPOSITION OF A CERTAIN PARCEL OF LAND IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

The city of Medford, acting through its mayor with the approval of its board of aldermen, may convey or otherwise dispose of a certain parcel of land in said city bounded and described as follows, irrespective of the fact that at some time it may have been under the control of the park department of said city or of its school committee:— Beginning at the intersection of the easterly sideline of Winthrop street and the northerly location line of Lot No. Pt. 36; thence easterly along the northerly location lines of Lots No. Pt. 36, Pt. 37 and Pt. 38, one hundred fifty-three and sixty-nine one-hundredths feet to a point on the westerly location line of Lot No. 30; thence northerly along the westerly location lines of said Lots 30, 29 and 28, ninety-seven feet; thence westerly one hundred eighty-four and

five tenths feet to a point on the aforementioned easterly sideline of Winthrop street; thence southerly along said easterly sideline of Winthrop street one hundred thirty-seven and six tenths feet to the point of beginning. The above described area contains nineteen thousand, six hundred square feet and is a part of a lot originally containing twenty-nine thousand, seven hundred and seventy-five square feet, as shown on a plan entitled, "Plan of Land in Medford Belonging to Joseph K. Manning et al" by J. L. Goodwin, dated January, 1893 and recorded in the South Middlesex Registry of Deeds, Plan Book 79, Plan 19, February 10, 1893. All as more particularly shown and described on Plan No. 15225, entitled, "Plan of Grant Park, Medford, Mass.", dated December, 1937, and on file in the office of the City Engineer of said city.

Approved February 18, 1938.

AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO
LEASE THE WHOLE OR A PORTION OF A CERTAIN WHARF
AND PUBLIC LANDING IN SAID TOWN, AND TO MAKE CHARGES
FOR WHARFAGE THEREAT OR THEREON. Chap. 55

Be it enacted, etc., as follows:

SECTION 1. The town of Provincetown, acting by its board of selectmen under authority of a vote of the town, may lease the whole or any portion of the wharf and public landing acquired under authority of chapter two hundred and fifty-three of the acts of nineteen hundred and twenty-eight and known as "Town Wharf", on or near Commercial street in said town.

SECTION 2. Said town may make such charges for wharfage at or on said wharf and public landing as the board of selectmen may determine.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1938.

AN ACT AUTHORIZING THE TOWN OF EDGARTOWN TO ACQUIRE
AND MAINTAIN PROPERTY THEREIN FOR THE PURPOSES OF
A PUBLIC WHARF, AND TO BORROW MONEY FOR SUCH AC-
QUISITION. Chap. 56

Be it enacted, etc., as follows:

SECTION 1. The town of Edgartown may acquire by purchase waterfront land and buildings thereon in said town and may erect and maintain a public wharf on said land. The powers conferred by this act may be exercised by the selectmen, who shall also have the power to make rules and regulations governing the use of said property.

SECTION 2. For the purpose of acquiring said land and buildings and of erecting said wharf, said town may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, twelve thousand dollars, and may issue bonds or notes therefor, which shall bear on their

face the words, Edgartown Wharf Loan, Act of 1938. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1938.

Chap. 57 AN ACT FURTHER EXTENDING THE OPPORTUNITY TO CITIES AND TOWNS TO BORROW UNDER THE ACT CREATING THE EMERGENCY FINANCE BOARD.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-nine of the acts of nineteen hundred and thirty-three, as most recently amended in section two by section one of chapter two hundred and eighty-one of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out said section two and inserting in place thereof the following: — *Section 2.* The treasurer of any city or town, if authorized by a two thirds vote, as defined by section one of chapter forty-four of the General Laws, and with the approval of the mayor or the selectmen, may, on behalf of such city or town, petition the board to approve of its borrowing money from the commonwealth for ordinary maintenance expenses and revenue loans, and the board may, if in its judgment the financial affairs of such city or town warrant, grant its approval to the borrowing as aforesaid of specified sums not at any time exceeding, in the aggregate, the total amount represented by tax titles taken or purchased by such city or town and held by it; provided, that such borrowing is made at any time or times prior to July first, nineteen hundred and thirty-nine. In case of such approval, the treasurer of such city or town shall, without further vote, issue notes, with interest at such rate as may be fixed by the treasurer with the approval of the board, in the amount approved by the board, for purposes of sale to the commonwealth only, and said notes, upon their tender to the state treasurer, shall forthwith be purchased by the commonwealth at the face value thereof. Such notes shall be payable in not more than one year, and may be renewed from time to time, if authorized by the board, but no renewal note shall be for a period of more than one year, and the maturity of any loan or renewal shall not be later than July first, nineteen hundred and forty. Such notes shall be general obligations of the

city or town issuing the same, notwithstanding the foregoing provisions. Indebtedness incurred by a city or town under authority of this act shall be outside its limit of indebtedness as fixed by chapter forty-four of the General Laws. The excess, if any, of the amount of interest payments received by the commonwealth on account of notes issued by cities and towns hereunder over the cost to the commonwealth for interest on money borrowed under section five, expenses of the board, including compensation paid to its appointive members, and expenses of administration of the funds provided by sections three and five shall be distributed to such cities and towns in November, nineteen hundred and forty-three, or earlier at the discretion of the board, in the proportion which the aggregate amounts payable by them on account of interest on such notes bear to the total amounts so payable by all cities and towns hereunder.

SECTION 2. Section five of said chapter forty-nine, as most recently amended by section two of said chapter two hundred and eighty-one, is hereby further amended by striking out, in the fifteenth line, the word "forty-two" and inserting in place thereof the word: — forty-three, — so as to read as follows: — *Section 5.* The state treasurer, with the approval of the governor and council, may borrow from time to time, on the credit of the commonwealth, such sums as may be necessary to provide funds for loans to municipalities as aforesaid, but not exceeding twenty-five million dollars, and may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rate as shall be fixed by the state treasurer, with the approval of the governor and council. Such notes shall be issued for such maximum term of years as the governor may recommend to the general court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth, but such notes, whether original or renewal, shall be payable not later than November thirtieth, nineteen hundred and forty-three. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved February 25, 1938.

AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO BORROW ON ACCOUNT OF PUBLIC WELFARE, SOLDIERS' BENEFITS AND FEDERAL EMERGENCY UNEMPLOYMENT RELIEF PROJECTS. *Chap. 58*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Subject to the provisions of this act, any city, town or district, by a two thirds vote as defined in

section one of chapter forty-four of the General Laws, and with the approval of the mayor, selectmen, or prudential committee or commissioners, and of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, may borrow, during the year nineteen hundred and thirty-eight, outside its debt limit as fixed by sections eight and ten of said chapter forty-four, for use only for meeting appropriations made or to be made for public welfare, including aid to dependent children and old age assistance, soldiers' benefits including state aid, military aid, soldiers' burials and soldiers' relief, and for any federal emergency unemployment relief projects, exclusive of public works administration projects, to an amount not more than one half of one per cent of the average of the assessors' valuations of its taxable property for the three preceding years, such valuations to be reduced and otherwise determined as provided in section ten of said chapter forty-four, and may issue bonds or notes therefor, which shall bear on their face the words, (name of city, town or district) Municipal Relief Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates and, except as herein provided, shall be subject to said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof.

Loans may be issued hereunder only by such cities, towns and districts as in the current year have appropriated to be raised by taxation or appropriated from available funds for the purposes enumerated in the preceding paragraph, an amount not less than eighty-five per cent of the aggregate expenditures for the year nineteen hundred and thirty-seven for public welfare, including aid to dependent children and old age assistance, soldiers' benefits including state aid, military aid, soldiers' burials and soldiers' relief, excluding any federal emergency unemployment relief projects and expenditures from federal grants made for old age assistance and aid to dependent children, as determined by the board.

SECTION 2. The members of the board aforesaid, when acting under this act, shall receive from the commonwealth compensation to the same extent as provided for services under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended.

SECTION 3. Loan orders passed in any city under authority of this act shall be deemed to be emergency orders and as such may be passed in such manner as is provided for emergency orders in its charter.

Approved February 25, 1938.

AN ACT PROVIDING THAT CERTAIN PROVISIONS OF LAW *Chap. 59*
RELATIVE TO SECOND HAND ARTICLES SHALL NOT APPLY
TO THE PURCHASE, SALE OR BARTERING OF BOOKS, PRINTS,
POSTAGE STAMPS OR COINS.

Be it enacted, etc., as follows:

Section fifty-five of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence: — The purchase, sale or barter of books, prints, coins or postage stamps shall not be deemed to be the purchase, sale or barter of second hand articles within the meaning of this and the preceding section, — so as to read as follows: — *Section 55.* Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles without a license, or in any other place or manner than that designated in his license or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction, shall forfeit twenty dollars. The purchase, sale or barter of books, prints, coins or postage stamps shall not be deemed to be the purchase, sale or barter of second hand articles within the meaning of this and the preceding section.

G. L. (Ter. Ed.), 140, § 55, amended.

Penalty for sale, etc., of certain second hand articles.

Approved February 25, 1938.

AN ACT FURTHER REGULATING THE TAKING OF CERTAIN *Chap. 60*
FISH ON THE LORD'S DAY.

Be it enacted, etc., as follows:

Chapter one hundred and thirty-six of the General Laws is hereby amended by striking out section seventeen, as most recently amended by chapter fifty-five of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 17.* Whoever on the Lord's day discharges any firearm for sport or in the pursuit of game, or attempts to take or catch any fish by using any net or spear, or attempts to take or catch any fish for commercial purposes by using a hook and line, shall be punished by a fine of not more than ten dollars; provided, that, on said day, shiners may be taken for bait by licensed fishermen, and eels and suckers may be taken with a spear. Prosecutions hereunder shall be commenced within thirty days after the offence was committed. This section shall not apply to the discharge of firearms in any shooting gallery licensed under section four A, and subject to the restrictions therein imposed, nor shall it apply to the discharge of firearms in trap, skeet or target shooting if carried on at such places within the limits of any city or town and during such hours as the city council or selectmen approve and in accordance with regulations which they are hereby authorized to establish.

G. L. (Ter. Ed.), 136, § 17, etc., amended.

Penalty for taking certain fish on the Lord's day.

Approved February 25, 1938.

Chap. 61 AN ACT REDUCING THE MEMBERSHIP OF THE BOARD OF
ALDERMEN OF THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and forty-five of the acts of nineteen hundred and three is hereby amended by striking out section eight and inserting in place thereof the following:— *Section 8.* The board of aldermen shall consist of eleven members, who shall be elected biennially in every odd numbered year as follows: one member from each ward to be elected by and from the qualified voters of that ward, and four members at large to be elected by and from the qualified voters of the entire city. The aldermen so elected shall serve for terms of two years, beginning with the first Monday in January next following their election.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Medford at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the current year, entitled 'An Act reducing the membership of the board of aldermen of the city of Medford', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question this act shall thereupon take full effect, but not otherwise.

Approved February 25, 1938.

Chap. 62 AN ACT RELATIVE TO NOMINATIONS FOR THE OFFICE OF
DIRECTOR OR TRUSTEE OF THE WESTFIELD ATHENAEUM
OF THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

Section fourteen-G of chapter two hundred and ninety-four of the acts of nineteen hundred and twenty, inserted by section one of chapter six hundred and thirty-one of the acts of said year, is hereby amended by inserting after the word "large" in the fifth line the words:—, director or trustee of the Westfield athenaeum,— so as to read as follows:— *Section 14-G.* If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election not more than twice as many such statements have been filed with the city clerk for the office of mayor, councillor at large, director or trustee of the Westfield athenaeum, or school committee as there are candidates to be elected to said offices respectively, the candidates whose statements have thus been filed shall be deemed to have been nominated to said offices respectively, and their names shall be used at such annual or special election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election, and no other nomination to said offices shall be made. And if in any ward, at the expiration of the time for filing statements of candidates to be voted for at any

preliminary election, not more than twice as many such statements have been filed with the city clerk for the office of councillor from such ward as are to be elected, the candidates whose statements have thus been filed shall be deemed to have been nominated, and their names shall be printed on the official ballot to be used at such annual or special election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election, and no other nominations to said offices shall be made. And if it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

Approved February 25, 1938.

AN ACT RELATIVE TO AMENDING AND SUPPLEMENTING
RECORDS OF CERTAIN BIRTHS. Chap. 63

Be it enacted, etc., as follows:

Section thirteen of chapter forty-six of the General Laws is hereby amended by striking out the second paragraph, as amended by section two of chapter two hundred and eighty of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following two new paragraphs:—

G. L. (Ter. Ed.), 46, § 13, etc., amended.

If a person shall have acquired the status of a legitimate child by the intermarriage of his parents and the acknowledgment of his father, as provided in section seven of chapter one hundred and ninety, the record of his birth shall be amended or supplemented as hereinafter provided so as to read, in all respects, as if such person had been reported for record as born to such parents in lawful wedlock. For such purpose, the town clerk, if satisfied as to the identity of the persons and the facts, shall receive an affidavit executed by the parents, or by either if the other is dead, setting forth the material facts or shall receive, if both parents are dead, affidavits of the fact of such intermarriage, of the acknowledgment of the father, and of the death of each parent, executed by credible persons having knowledge of such facts, together with evidence substantiating such facts beyond all reasonable doubt, which affidavits and evidence shall have been submitted by the town clerk to a judge of probate or to a justice of a district court and shall have been approved by such judge or justice. Each such affidavit executed by the parent or parents shall be accompanied by a certified copy of the record of such intermarriage, if not recorded in the records in the custody of such clerk; and such affidavits executed by credible persons as aforesaid shall be accompanied by a certified copy of the record of such intermarriage and of the death of each parent, if not recorded in such records.

Correction, etc., of birth, etc., records.

If, however, the birth of such a child was recorded as that of a legitimate child of the mother and the man who was

her husband at the time of such birth, the record shall not be amended as provided in this section unless the illegitimacy has been legally determined or has been admitted by the affidavit of the mother and such husband, or, if the town clerk is satisfied that both the mother and such husband cannot be located, by the affidavit of either of them and by evidence substantiating the statements in such affidavit beyond all reasonable doubt, which affidavit and evidence shall have been submitted by the town clerk to a judge of probate or to a justice of a district court and shall have been approved by such judge or justice.

Approved February 25, 1938.

Chap. 64 AN ACT AUTHORIZING THE TOWN OF FRAMINGHAM TO PAY A CERTAIN SUM OF MONEY TO GEORGE MASON AND HARRY MASON.

Be it enacted, etc., as follows:

The town of Framingham is hereby authorized to appropriate the sum of fifteen hundred and seventy-six dollars and eighty-three cents and pay the same to George Mason and Harry Mason in full settlement of their claims against the town for reimbursement on account of money expended by them, as trustees of the Mason Family Trust or in their individual capacities, in connection with the construction of water and sewerage works in Swift road in said town; provided, that no payment shall be made hereunder unless and until said parties shall have released to said town, by proper instrument or instruments, all right, title and interest they may have in said works.

Approved February 25, 1938.

Chap. 65 AN ACT ALLOWING INMATES OF PENAL INSTITUTIONS TO VIEW THE REMAINS OF THEIR DECEASED SPOUSES AND NEXT OF KIN PRIOR TO THE FUNERALS OF SUCH DECEASED PERSONS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 127,
§ 90A,
amended.

Attendance
at funerals
of inmates
of penal
institutions.

Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section ninety A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 90A.* An inmate of a penal institution may, in the discretion of the officer in charge of such institution, be allowed, in the custody of an officer thereof, to attend the funeral of his or her spouse or any next of kin or to view the remains of such a deceased person before or after the funeral.

Approved February 25, 1938.

AN ACT RELATIVE TO COMPENSATION OF ASSISTANT TOWN CLERKS. *Chap. 66*

Be it enacted, etc., as follows:

Section nineteen of chapter forty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following:—No person appointed as assistant clerk shall receive any salary for services as such from the town, but his compensation, if any, for such services shall be paid by the clerk, to whom all fees received by the assistant shall be paid.

G. L. (Ter. Ed.), 41, § 19, amended.

Compensation of assistant town clerks.

Approved February 25, 1938.

AN ACT REGULATING THE EMPLOYMENT OF CERTAIN PERSONS BY THE DEPARTMENT OF PUBLIC WORKS. *Chap. 67*

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section twenty-seven D, inserted by chapter four hundred and sixty-one of the acts of nineteen hundred and thirty-five, the following new section:—*Section 27E.* At least seventy-five per cent of the persons employed by the department of public works to work in connection with the construction, reconstruction, alteration or repair of any public works, in positions other than those subject to the civil service laws and rules and regulations, shall be residents in the highway district, as then established by said department or its successor in office, in which the work is being done.

G. L. (Ter. Ed.), 149, new section 27E, added.

Preference to local citizens in public works.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, February 24, 1938, and, in concurrence, by the Senate, February 28, 1938, the objections of the governor notwithstanding, in the manner prescribed by the constitution: and thereby has "the force of a law".)

AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND UNTIL APRIL FIRST, NINETEEN HUNDRED AND THIRTY-NINE, THE SIX O'CLOCK LAW, SO CALLED, RELATING TO THE HOURS OF EMPLOYMENT OF WOMEN IN THE TEXTILE INDUSTRY. *Chap. 68*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section one of chapter three hundred and forty-seven of the acts of nineteen hundred and thirty-three, as most recently amended by chapter one hundred and fifty-three

of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the fifth line, the word "thirty-eight" and inserting in place thereof the word: — thirty-nine, — so as to read as follows:— *Section 1.* The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend, until April first, nineteen hundred and thirty-nine, subject to such restrictions and conditions as the said commissioner may prescribe, so much of section fifty-nine of chapter one hundred and forty-nine of the General Laws, as amended, as prohibits the employment of women in the manufacture of textile goods after six o'clock in the evening; and, during the time of such suspension, those parts of said section fifty-nine which are so suspended shall be inoperative and of no effect.

Approved March 3, 1938.

Chap. 69 AN ACT AUTHORIZING THE TOWN OF DEERFIELD TO BORROW MONEY FOR THE PURPOSE OF INSTALLING A NEW HEATING PLANT AND MAKING NECESSARY ALTERATIONS IN THE CONWAY STREET GRAMMAR SCHOOL IN SOUTH DEERFIELD.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of installing a new heating plant in the Conway Street grammar school in South Deerfield and making the necessary alterations therefor, the town of Deerfield may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, nine thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Deerfield School Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1938.

Chap. 70 AN ACT AUTHORIZING THE TOWN OF SUNDERLAND TO BORROW MONEY FOR THE PURPOSE OF REMODELING THE TOWN HALL BUILDING.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling the town hall building, the town of Sunderland may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, twelve thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words,

Sunderland Town Hall Building Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twelve years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1938.

AN ACT RELATIVE TO THE POWERS OF CERTAIN SPECIAL
STATE POLICE OFFICERS TO SERVE WARRANTS OF THE
PAROLE BOARD.

Chap. 71

Be it enacted, etc., as follows:

Section one hundred and twenty-seven of chapter one hundred and twenty-seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "warrants" in the fifth line the words: — issued by the parole board, — so as to read as follows: —

Section 127. The governor, upon the written recommendation of the commissioner, may appoint any agent or employee of the department of correction or any employee of any penal institution a special state police officer for a term of three years, unless sooner removed. Officers so appointed may serve warrants issued by the parole board and orders of removal or transfer of prisoners issued by the commissioner and warrants issued by any court or trial justice in the commonwealth for the arrest of a person charged with the crime of escape or attempt to escape from a penal institution or from the custody of an officer while being conveyed to or from any such institution, and may perform police duty about the premises of penal institutions.

G. L. (Ter. Ed.), 127, § 127, amended.

Special state police.

Powers and duties.

Approved March 3, 1938.

AN ACT RELATIVE TO A MINIMUM AGE LIMIT FOR APPLICANTS FOR POSITIONS IN CERTAIN POLICE OR FIRE DEPARTMENTS.

Chap. 72

Be it enacted, etc., as follows:

Section four of chapter thirty-one of the General Laws, as amended, is hereby further amended by inserting after the word "years" in the eighteenth line, as appearing in the Tercentenary Edition, the words: — or a minimum age limit therefor higher than twenty-two years, — so that the paragraph contained in the ninth to the eighteenth lines, inclusive, as so appearing, will read as follows: —

Members of police and fire departments of cities and of such towns as accept the provisions of this chapter, or have accepted corresponding provisions of earlier laws, and members of the police or fire department of any town which,

G. L. (Ter. Ed.), 31, § 4, etc., amended.

Civil service. Members of police and fire departments. Minimum age limit.

as to such department, accepts section forty-eight or has accepted corresponding provisions of earlier laws; except that no rule regulating the height and weight of persons eligible to become members of the fire department shall be made or enforced except by the city council or selectmen; and except further that no rule shall prescribe a maximum age limit for applicants for positions in police or fire departments lower than thirty-five years or a minimum age limit therefor higher than twenty-two years;

Approved March 3, 1938.

Chap. 73 AN ACT RELATIVE TO THE CLASSIFICATION OF COUNTY EMPLOYEES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 35, § 52, amended.

SECTION 1. Section fifty-two of chapter thirty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following: —

Classification of county employees. Appeal.

Any person aggrieved by the allocation or classification of his office or position or by any other action or by any failure to act, under any provision of sections forty-eight to fifty-five, inclusive, may appeal in writing to the board. Such appeal shall be filed with the county commissioners of the county in which the office or position is established, who shall forward the appeal to the board, accompanied by a report and their recommendations thereon. The board shall refer the appeal to the director of accounts, who shall investigate the merits thereof and report to the board. The board, after giving all parties interested an opportunity to be heard, shall pass upon the appeal and its decision shall be final and binding upon all such parties, including the county commissioners and the person appealing.

G. L. (Ter. Ed.), 35, § 51, amended.

SECTION 2. Section fifty-one of said chapter thirty-five, as so appearing, is hereby amended by inserting after the word "him" in the eleventh line the following: — ; and provided, further, that an amendment proposed under section fifty-three and adopted by the board shall be effective only in the county whose county commissioners have proposed the amendment unless the county commissioners of four or more counties have joined in the proposal in which case it shall be effective in all counties, other than Suffolk and such other counties, if any, as shall under section fifty-six have ceased to be represented in the board, — and by striking out, in the fourteenth line, the words "said sections forty-eight to fifty-six, inclusive" and inserting in place thereof the words: — sections forty-eight to fifty-five, inclusive, — so as to read as follows: — *Section 51.* The board shall (a) pass upon and finally adopt and put into effect, with such modifications, changes and additions as it shall deem proper, the classification and compensation plans and rules for their administration proposed by the director of accounts under section fifty; (b) pass upon, finally adopt and put

Duties of county personnel board.

into effect, with such modifications as it may deem proper, amendments to the classification and compensation plans and the rules for their administration as may be proposed from time to time under the provisions of section fifty or fifty-three; provided, that no such amendment not proposed by the director of accounts under section fifty shall be adopted except after a report which shall be made by said director within thirty days after submission to him; and provided, further, that an amendment proposed under section fifty-three and adopted by the board shall be effective only in the county whose county commissioners have proposed the amendment unless the county commissioners of four or more counties have joined in the proposal in which case it shall be effective in all counties, other than Suffolk and such other counties, if any, as shall under section fifty-six have ceased to be represented in the board; (c) pass upon and finally determine appeals relative to classification, as provided in section fifty-two; and (d) perform such other functions and duties as may be imposed upon it by sections forty-eight to fifty-five, inclusive.

Approved March 3, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF *Chap. 74*
CHIEF OF POLICE OF THE TOWN OF WAYLAND UNDER THE
CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Wayland shall, upon effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the year nineteen hundred and thirty-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of chief of police of the town of Wayland under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 7, 1938.

Chap. 75 AN ACT AUTHORIZING CERTAIN CORPORATIONS AND TRUSTEES TO PUBLISH OR CIRCULATE CERTAIN PAID MATTER RELATING TO QUESTIONS SUBMITTED TO THE VOTERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 55, § 7, amended.

Political contributions by corporations forbidden.

Section seven of chapter fifty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "of" the first time it appears in the twenty-second line the following: — , or any matter or thing affecting, — so as to read as follows: — *Section 7.* No corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, or any company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no business corporation incorporated under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing in order to aid, promote or prevent the nomination or election of any person to public office, or to aid, promote or antagonize the interests of any political party, or to influence or affect the vote on any question submitted to the voters. No person or persons, no political committee, and no person acting under the authority of a political committee, or in its behalf, shall solicit or receive from such corporation or such holders of stock any such gift, payment, expenditure, contribution or promise to give, pay, expend or contribute; except that such a corporation, or such trustee or trustees, may in good faith publish or circulate paid matter when, under a question submitted to the voters, the taking, purchasing or acquiring of, or any matter or thing affecting, any of the property, business or assets of the corporation is involved, provided that the name of the corporation appears therein in the nature of a signature, and that, if inserted as reading matter, such matter is preceded or followed by the word "Advertisement", in the manner required by section thirty-three.

Approved March 7, 1938.

Chap. 76 AN ACT PROVIDING FOR PARTY PRIMARIES IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty of the acts of nineteen hundred and twenty-one, as amended, is hereby repealed.

SECTION 2. There shall be placed upon the official ballot to be used in the city of Medford at the biennial state election in the current year the following question:— "Shall party primaries for the nomination of candidates to be voted for at city elections be held in this city?" If a majority of the votes in answer to said question is in the affirmative, section one of this act shall thereupon take effect and candidates thereafter to be voted for at city elections in said city shall be nominated in municipal primaries held in accordance with the provisions of sections twenty-three to forty, and fifty-six to sixty-four, both inclusive, of chapter fifty-three of the General Laws; otherwise said section one shall be void and of no effect. *Approved March 7, 1938.*

AN ACT RELATIVE TO THE CORPORATE POWERS OF THE
MUTUAL HELP SOCIETY S. CROCE DI MAGLIANO CORPORATION OF BROCKTON. *Chap. 77*

Be it enacted, etc., as follows:

Chapter one hundred and seventy-nine of the acts of nineteen hundred and thirty-six is hereby amended by striking out, in the fourteenth line, the words "designated in section forty-five" and inserting in place thereof the words:— operating under section forty-six, — so as to read as follows:— The Mutual Help Society S. Croce Di Magliano Corporation of Brockton, a corporation duly established under general law, may, in the event of the death of a member, pay a death or funeral benefit limited to not more than five hundred dollars, and may, in the event of the death of the wife of a member, pay to said member not more than two hundred dollars; provided, that the amount so paid to a member upon the death of his wife shall be deducted from the amount payable at the member's death. Said corporation, except as otherwise provided herein, shall have all the powers, rights and privileges, and shall be subject to all the duties, liabilities and restrictions, conferred or imposed by laws now or hereafter in force upon fraternal benefit societies operating under section forty-six of chapter one hundred and seventy-six of the General Laws.

Approved March 7, 1938.

AN ACT RELATIVE TO THE CORPORATE POWERS OF THE
ITALIAN MUTUAL HELP SOCIETY ARTILLERY CORPORATION OF BROCKTON. *Chap. 78*

Be it enacted, etc., as follows:

Chapter one hundred and seventy-seven of the acts of nineteen hundred and thirty-six is hereby amended by striking out, in the fourteenth line, the words "designated in section forty-five" and inserting in place thereof the words:— operating under section forty-six, — so as to read as follows:— The Italian Mutual Help Society Artillery Corpo-

ration of Brockton, a corporation duly established under general law, may, in the event of the death of a member, pay a death or funeral benefit limited to not more than five hundred dollars, and may, in the event of the death of the wife of a member, pay to said member not more than two hundred dollars; provided, that the amount so paid to a member upon the death of his wife shall be deducted from the amount payable at the member's death. Said corporation, except as otherwise provided herein, shall have all the powers, rights and privileges, and shall be subject to all the duties, liabilities and restrictions, conferred or imposed by laws now or hereafter in force upon fraternal benefit societies operating under section forty-six of chapter one hundred and seventy-six of the General Laws.

Approved March 7, 1938.

Chap. 79 AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO CONVEY TO THE HEIRS OF LILLIE M. BARTLETT A PORTION OF OLD GARDEN BEACH LANDING, SO CALLED, IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Rockport is hereby authorized to convey to Nelson F. Bartlett, Howard M. Bartlett, Helen Maria Nesbit, Randolph Bartlett, Margarita B. Hitchcock, heirs of Lillie M. Bartlett, deceased, late of Malden, in the commonwealth of Massachusetts, such portion or portions of Old Garden Beach Landing, so called, in said town as may be determined by the board of selectmen of said town to be included within the description of the property conveyed to said Lillie M. Bartlett by a deed of George W. Harvey, as trustee or otherwise, dated November twenty-ninth, nineteen hundred and twenty-six, and recorded with Essex South District registry of deeds in book twenty-seven hundred and nine, page three hundred and sixty-nine, the entire property having since been used and occupied by said Bartlett and her heirs-at-law.

SECTION 2. This act shall take full effect upon its acceptance by vote of the inhabitants of said town at a town meeting held during the current year.

Approved March 7, 1938.

Chap. 80 AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF EVACUATION DAY, SO CALLED.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 6, new
section 12K,
added.

Chapter six of the General Laws is hereby amended by inserting after section twelve J, inserted by chapter twenty-two of the acts of nineteen hundred and thirty-eight, the

following new section:— *Section 12K.* The governor shall annually issue a proclamation setting apart March seventeenth as Evacuation Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise, as he may see fit, to the end that the first major military victory in the war for American independence, namely, the evacuation of Boston by the British, may be perpetuated. *Approved March 9, 1938.*

Evacuation
Day.

AN ACT EXTENDING THE TIME DURING WHICH CO-OPERATIVE BANKS MAY BORROW FROM ANY SOURCE FOR THE PURPOSE OF MAKING REAL ESTATE LOANS. *Chap. 81*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Chapter one hundred and ninety-five of the acts of nineteen hundred and thirty-six is hereby amended by striking out, in the second line, the word "two" and inserting in place thereof the word:— four, — so as to read as follows:— Any co-operative bank established under the laws of the commonwealth may within four years from the effective date of this act borrow from any source to make real estate loans. The proceeds of such loans, including those made from money borrowed from the Federal Home Loan Bank, shall not be restricted in their use to the purposes set forth in section forty of chapter one hundred and seventy of the General Laws, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, but, except as hereinbefore provided, such loans shall be subject to said section forty. *Approved March 9, 1938.*

AN ACT RELATIVE TO THE ISSUANCE AND RENEWAL OF CERTAIN TEMPORARY LOANS IN ANTICIPATION OF FEDERAL GRANTS. *Chap. 82*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

If a county, city, town or district shall have an agreement with the federal government whereby such government grants such county, city, town or district a sum of money to be used with funds provided by said county, city, town or district for a public works project, and shall be required primarily to pay that portion of the expense for which reimbursement is to be received from the grant, the treasurer of such county, city, town or district, with the approval of the

county commissioners, mayor, selectmen, prudential committee or commissioners, as the case may be, in anticipation of the receipt of the proceeds of such grant, may incur debt, which, in the case of a city or town, shall be outside the debt limit, to an amount not exceeding the amount of the grant as shown by the grant agreement, and may issue notes therefor, payable in not exceeding one year from their dates. Any loan issued under this act for a shorter period than one year may be refunded by the issue of other notes maturing within the required period; provided, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not be more than one year. The proceeds of the grant, so far as necessary, shall be applied to the discharge of the loan. *Approved March 9, 1938.*

Chap. 83 AN ACT RELATIVE TO PRIORITY AS BETWEEN CONDITIONAL VENDORS OF PERSONAL PROPERTY AND BAILEES OF CONDITIONAL VENDEES THEREOF.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 255, § 35,
amended.

SECTION 1. Section thirty-five of chapter two hundred and fifty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth and sixth lines, the words "provided, that the property was delivered to the bailee prior to the breach of any condition of the sale or lease" and inserting in place thereof the words: — except that the lien of such a bailee on property delivered to him subsequent to the breach of a condition of the sale or lease shall not prevail if the conditional vendor or lessor or person claiming under him makes demand in writing on the bailee for the property within ninety days from the date of the bailment, — so as to read as follows: — *Section 35.* As against a conditional vendor or lessor, or person claiming under him, the lien of a bailee of the vendee or lessee or person claiming under him on property exceeding twenty dollars in value, for consideration furnished, without actual notice of the conditional sale or lease, shall prevail; except that the lien of such a bailee on property delivered to him subsequent to the breach of a condition of the sale or lease shall not prevail if the conditional vendor or lessor or person claiming under him makes demand in writing on the bailee for the property within ninety days from the date of the bailment.

Priority of
certain liens.

SECTION 2. This act shall apply only in cases of bailments of personal property on or after its effective date.

Approved March 9, 1938.

AN ACT RELATIVE TO THE EIGHT WORD STATEMENT AUTHORIZED TO BE PLACED ON NOMINATION PAPERS AND BALLOTS FOR STATE, CITY AND TOWN PRIMARIES. *Chap. 84*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

The first paragraph of section forty-five of chapter fifty-three of the General Laws, as appearing in chapter twenty-two of the acts of nineteen hundred and thirty-six, is hereby amended by inserting after the word "held" in the eighth line the following: —, showing clearly that he is a former incumbent thereof if such is the case, — so as to read as follows: — Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, (3) the political party whose nomination he seeks, and, except for candidates for state, ward and town committees and delegates to conventions the paper may state, in not more than eight words, the public offices which he holds or has held, showing clearly that he is a former incumbent thereof if such is the case, and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination.

G. L. (Ter.
Ed.), 53, § 45,
etc., amended.

Nomination
papers, con-
tents of.

Approved March 9, 1938.

AN ACT PROVIDING THAT APPLICATIONS FOR TRANSIENT VENDORS' LICENSES SHALL CONTAIN IRREVOCABLE POWER OF ATTORNEY FOR SERVICE OF PROCESS, AND PROVIDING FOR SERVICE OF SUCH PROCESS. *Chap. 85*

Be it enacted, etc., as follows:

Chapter one hundred and one of the General Laws is hereby amended by inserting after section six, as appearing in the Tercentenary Edition, the following new section: —
Section 6A. Every application under sections three to five, inclusive, for a transient vendor's license shall contain an irrevocable power of attorney, in such form as the director may prescribe, constituting and appointing, in case the license applied for is issued, the director, or his successors in office, the true and lawful attorney of the applicant upon whom may be served all lawful process in any action or proceeding against him growing out of the transaction of business by him within this commonwealth under the license, and containing an agreement that any process against him which is so served shall, if he is notified of such service as hereinafter provided, be of the same legal force and validity as if served on him personally and that the mailing by the director of a copy of such process to him at his last address

G. L. (Ter.
Ed.), 101,
new section
6A, added.

Transient
vendors.

Service of
process on.

as appearing on the director's records shall be sufficient notice to him of such service. Service of such process shall be made by leaving duplicate copies thereof with a fee of two dollars in the hands of the director, or in his office, and the director shall forthwith send one of said copies by mail, postage prepaid, addressed to the defendant at his last address as appearing on the director's records; and an affidavit of the director, or of any person authorized by him to send such copy, that such copy has been so mailed shall be prima facie evidence thereof. One of the duplicates of such process, certified by the director as having been served upon him, shall be sufficient evidence of service upon him under said power of attorney. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

Approved March 9, 1938.

Chap. 86 AN ACT AUTHORIZING THE CITY OF CHICOPEE TO PAY ANNUITIES TO THE WIDOW AND CERTAIN CHILDREN OF HENRY HOULIHAN, A FORMER FOREMAN IN THE HIGHWAY DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the city of Chicopee may make the following payments on account of the death of Henry Houlihan, a former foreman in the highway department of said city who, after more than thirty years of service in the employ of said city, died from injuries received while in the performance of his duty:—

To his widow, so long as she remains unmarried, ten dollars each week for her own use and, so long as any child of said Houlihan is under the age of eighteen, or over said age and physically or mentally incapacitated from earning, such a child being hereinafter referred to as a dependent child, two dollars each week for the benefit of each such child;

To or for the benefit of any dependent child or dependent children of said Houlihan surviving said widow in case she dies, so long as there is any such child, an amount equal to that which would have been paid hereunder if said widow were alive and had not remarried, such amount to be payable in equal shares to such children, if more than one;

In the event that said widow remarries, to or for the benefit of each dependent child of said Houlihan, so long as there is any such child, three dollars each week.

Payments under this act shall not exceed, in the aggregate, sixty-four hundred dollars.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved March 9, 1938.

AN ACT RELATIVE TO THE USE OF CERTAIN ELECTION DISTRICTS IN THE CITY OF MELROSE. *Chap. 87*

Be it enacted, etc., as follows:

SECTION 1. The wards established in the city of Melrose in the year nineteen hundred and thirty-four as authorized by section one of chapter fifty-four of the General Laws, and the precincts established in said city in the year nineteen hundred and thirty-five or which may be subsequently established therein as authorized and directed by sections two and three of said chapter fifty-four, shall be used for all primaries and elections held in said city, and for such purposes election officers shall be appointed and voting lists shall be prepared and all other things required by law shall be done in accordance with the lines of the wards and precincts so established, notwithstanding the provisions of section four of said chapter fifty-four; provided, that upon a redivision of said city into wards under said section one the provisions of said section four shall apply therein. The appointment of election officers for said city in the year nineteen hundred and thirty-seven and the voting lists therein prepared in said year in accordance with the lines of the wards and precincts heretofore established as aforesaid are hereby ratified and confirmed and shall have the same effect and validity as though said appointments and the preparation of said lists in the manner aforesaid were then authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1938.

AN ACT FURTHER REGULATING INVESTMENTS BY THE TRUSTEES OF THE MINISTERIAL FUND IN THE FIRST PARISH IN CAMBRIDGE. *Chap. 88*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and sixty-four of the acts of eighteen hundred and eighty-five is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* The Trustees of the Ministerial Fund in the First Parish in Cambridge, incorporated under chapter seventy-four of the acts of eighteen hundred and sixteen, are hereby authorized to deposit all or any part of the monies belonging to said fund in savings banks and institutions for savings in this commonwealth, and to invest all or any part of such monies in shares of co-operative banks in this commonwealth and in such securities as from time to time shall be legal investments for deposits and the

income derived therefrom of savings banks and institutions for savings therein, and not otherwise.

SECTION 2. Nothing in this act shall be deemed to affect the validity of any investment of the monies of said fund made by said trustees prior to the effective date of this act.

Approved March 15, 1938.

Chap. 89 AN ACT RELATIVE TO LAYING OUT, ALTERING, AND DISCONTINUING WAYS IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and sixty-four of the acts of eighteen hundred and ninety-one is hereby amended by striking out section sixteen and inserting in place thereof the following: — *Section 16.* The city council shall have the authority, subject to the veto power of the mayor, to lay out, alter, discontinue or fix the grade of any highway, street or town way, and to take land therefor and for the construction of public drains and common sewers. Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners in respect to highways, streets and town ways in the city of Cambridge.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1938.

Chap. 90 AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID TOWN A CONVENTION OF THE CATHOLIC ORDER OF FORESTERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Nantucket may appropriate a sum of money not exceeding fifteen hundred dollars for the purpose of providing proper facilities for public entertainment at the time of the convention of the Catholic Order of Foresters to be held in said town during the current year, and of paying expenses incidental to such entertainment. The money so appropriated by the town shall be expended under the direction of the board of selectmen.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1938.

Chap. 91 AN ACT SUBJECTING THE OFFICE OF SUPERINTENDENT OF STATE AID OF THE CITY OF LOWELL TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of superintendent of state aid of the city of Lowell shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws, but the

person holding said office on said effective date may continue to serve therein without taking a civil service examination.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1938.

AN ACT FURTHER REGULATING THE LICENSING AND KEEPING OF DOGS. Chap. 92

Be it enacted, etc., as follows:

Chapter one hundred and forty of the General Laws is hereby amended by striking out section one hundred and thirty-eight, as amended by section four of chapter three hundred and twenty of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 140, § 138, etc., amended.

Section 138. A person who after April first in any year becomes the owner or keeper of a dog which is not duly licensed, and the owner or keeper of a dog when it becomes three months old after March thirty-first in any year, shall cause it to be registered, numbered, described, licensed, collared or harnessed and tagged as required by section one hundred and thirty-seven. A person who after April first in any year becomes the owner or keeper of a dog which is duly licensed in the town where kept shall forthwith give notice in writing to the clerk of such town, or if kept in Boston to the police commissioner, that he has become such owner or keeper, and said clerk or said police commissioner, as the case may be, shall change the record of such license to show the name and address of the new owner or keeper.

Licensing and keeping of dogs.

Approved March 15, 1938.

AN ACT RELATING TO THE GRANTING OF LOANS BY CERTAIN FRATERNAL BENEFIT SOCIETIES. Chap. 93

Be it enacted, etc., as follows:

Section sixteen of chapter one hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "protection" in the fourteenth line the following: — or such loans on any certificate of membership, — so as to read as follows:— *Section 16.* Any society which shows by the annual valuation hereinafter provided for that it is accumulating and maintaining the tabular reserve required by a table of mortality not lower than the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August twenty-third, eighteen hundred and ninety-nine and four per cent interest, and which has provided for stated periodical mortuary contributions based on said standard, or which shows that its stated periodical mortuary contributions for the period of the five years next preceding, at rates at no time higher than those in use following said period, were sufficient to pay the actual

G. L. (Ter. Ed.), 176, § 16, amended.

Loans, extended or paid-up protection.

claims and maintain the aforesaid reserve for said period without recourse to the reserves released by the lapsing of certificates, and without falling below said standard for any two consecutive years of said period, may grant to its members such extended or paid-up protection or such loans on any certificate of membership or such withdrawal equities as its constitution and by-laws may provide; provided, that such grants shall be equitable, and shall in no case exceed in value the portion of the reserve derived from the payments of the individual members to whom they are made.

Approved March 15, 1938.

Chap. 94 AN ACT RELATING TO THE GRANTING OF DEATH BENEFITS
ON LIVES OF CHILDREN BY CERTAIN FRATERNAL BENEFIT
SOCIETIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 176,
§ 23, etc.,
amended.

Certain death
benefits
payable by
fraternal bene-
fit societies.

Section twenty-three of chapter one hundred and seventy-six of the General Laws, as amended by chapter forty-six of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out all after the colon in the fourteenth line and inserting in place thereof the following: — one, one hundred dollars; two, two hundred dollars; three, three hundred dollars; four, four hundred dollars; five, five hundred dollars; six, six hundred dollars; seven, seven hundred dollars; eight, eight hundred dollars; nine, nine hundred dollars; ten to eighteen years, where not otherwise authorized by law, one thousand dollars, — so as to read as follows: — *Section 23.* Any society operating on the lodge system may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death, endowment or annuity benefits upon the lives of children between the ages of one and eighteen years at the next birthday. Any such society may at its option organize and operate branches for such children, and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total death benefits payable as above provided shall in no case exceed the following amounts at ages at the next birthday after death, respectively, as follows: one, one hundred dollars; two, two hundred dollars; three, three hundred dollars; four, four hundred dollars; five, five hundred dollars; six, six hundred dollars; seven, seven hundred dollars; eight, eight hundred dollars; nine, nine hundred dollars; ten to eighteen years, where not otherwise authorized by law, one thousand dollars.

Approved March 15, 1938.

AN ACT PROHIBITING THE REMOVAL OF CERTAIN GASOLINE TANKS WITHOUT A PERMIT. *Chap. 95*

Be it enacted, etc., as follows:

Chapter one hundred and forty-eight of the General Laws is hereby amended by inserting after section thirty-eight, as appearing in the Tercentenary Edition, the following new section: — *Section 38A.* No underground tank which has been used for the keeping or storage of gasoline shall be removed or relocated unless a permit therefor shall first have been obtained from the state fire marshal or the official designated by him to grant permits in the city or town where such tank is located.

Approved March 15, 1938.

G. L. (Ter. Ed.), 148, new section 38A, added.

Removal of gasoline tanks.

AN ACT FURTHER REGULATING THE ISSUANCE OF MOTOR VEHICLE JUNK LICENSES AND PERMITS, SO CALLED. *Chap. 96*

Be it enacted, etc., as follows:

Section fifty-nine of chapter one hundred and forty of the General Laws, as amended by section one of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "made" in the eighteenth line the following new sentence: — No license or permit shall be issued hereunder to a person within said class three until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised, — so as to read as follows: — *Section 59.* The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed fifty dollars. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class three of section fifty-eight, and all licenses and permits issued hereunder to persons within said class three shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class three until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to

G. L. (Ter. Ed.), 140, § 59, etc., amended.

Motor vehicle junk licenses and permits.

sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying.

Approved March 15, 1938.

Chap. 97 AN ACT TO PROVIDE FOR THE RECEIPT BY CITY AND TOWN CLERKS OF CERTIFIED COPIES OF JUDICIAL DECREES OF ADOPTION OF CHILDREN OF LEGITIMATE BIRTH.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 46,
§ 13, etc.,
amended.

Section thirteen of chapter forty-six of the General Laws, as most recently amended by chapter sixty-three of the acts of the current year, is hereby further amended by inserting after the word "decree" the first time it occurs in the nineteenth line, as appearing in the Tercentenary Edition, the following: — , or if a person of legitimate birth shall have been adopted by judicial decree, — so that the paragraph contained in the eighteenth and nineteenth lines, as so appearing, will read as follows: —

Amendment
of birth
records, etc.

If a person of illegitimate birth shall have acquired a new name by judicial decree, or if a person of legitimate birth shall have been adopted by judicial decree, the town clerk shall receive a certified copy of such decree.

Approved March 15, 1938.

Chap. 98 AN ACT RELATIVE TO THE TIME WITHIN WHICH DISPOSITION MAY BE MADE OF PROPERTY THAT HAS BEEN STOLEN, LOST, ABANDONED, OR TAKEN FROM A PERSON UNDER ARREST, AND HAS COME INTO THE POSSESSION OF A MEMBER OF A POLICE DEPARTMENT.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 135, § 8,
amended.

Sale of
abandoned
property.

SECTION 1. Section eight of chapter one hundred and thirty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the word "six" and inserting in place thereof the word: — two, — so as to read as follows:— *Section 8.* If such property remains unclaimed in the possession of such police department or member thereof for two months and the owner thereof or his place of abode or business is unknown, or if the owner and his place of abode or business are known and the owner, after receipt by registered mail of a written notice from such department or member to take possession of said property, refuses or fails for a period of ten days following said receipt so to do, such department may sell the same, excepting money unclaimed, by public auction, notice of the time and place of sale, with a description of the property to be sold, first being given by publish-

ing the same once in each of three successive weeks in a newspaper published in such city.

SECTION 2. Section eleven of said chapter one hundred and thirty-five, as so appearing, is hereby amended by striking out, in the first line, the word "six" and inserting in place thereof the word: — two, — so as to read as follows:

G. L. (Ter. Ed.), 135, § 11, amended.

— *Section 11.* If, within two years and two months after such money has come into the possession of a member of the police department of a city or within two years after such sale of other property, the owner claims and proves ownership thereof, the unclaimed balance of such money or the proceeds of such sale, after deducting all reasonable charges and expenses, shall be paid to him, upon the order of the head of such department.

Payment to owner.

SECTION 3. Section nine of said chapter one hundred and thirty-five, as so appearing, is hereby amended by striking out, in the fourth line, the word "six" and inserting in place thereof the word: — two, — so as to read as follows:

G. L. (Ter. Ed.), 135, § 9, amended.

— *Section 9.* Such property, if perishable or liable to deteriorate greatly in value by keeping or the value of which will probably be less than the expense of keeping the same, may be sold by public auction within said two months in accordance with the rules of the department, reasonable notice of the time and place of sale first being given by publishing the same in a newspaper published in such city.

Property, if perishable, how sold.

Approved March 15, 1938.

AN ACT RELATIVE TO CERTAIN RESTRICTIONS WITH RESPECT TO LICENSES FOR THE ERECTION AND USE OF BUILDINGS AND OTHER STRUCTURES FOR STORING, MANUFACTURING AND SELLING CERTAIN EXPLOSIVES AND INFLAMMABLE MATERIALS.

Chap. 99

Be it enacted, etc., as follows:

The last paragraph of section thirteen of chapter one hundred and forty-eight of the General Laws, as most recently amended by section one of chapter three hundred and ninety-four of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the tenth and eleventh lines, the words "three years" and inserting in place thereof the words: — one year, — so as to read as follows: — Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same or similar use of the same land shall be granted within one year after the receipt by such authority of such notice.

G. L. (Ter. Ed.), 148, § 13, etc., amended.

Licenses for selling certain explosives.

Approved March 15, 1938.

*Chap.*100 AN ACT AUTHORIZING THE COUNTY OF BARNSTABLE TO ESTABLISH AND MAINTAIN A RADIO BROADCASTING STATION.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county are hereby authorized to establish and maintain a radio broadcasting station for use in police work and for the promotion and preservation of the public safety. Said broadcasting station shall be operated under the direction of the sheriff of said county, who shall employ as operators only such persons as are qualified under the rules and regulations of the federal communications commission or its successor.

SECTION 2. For said purposes said county commissioners may expend such sums as may be appropriated therefor; provided, that in the current year they may expend not exceeding seven thousand dollars, which sum shall be included in the county appropriation act for the current year.

SECTION 3. This act shall take full effect upon its acceptance during the current year by the county commissioners of Barnstable county, but not otherwise.

Approved March 15, 1938.

*Chap.*101 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO ERECT AND EQUIP AN ADDITION TO A BUILDING AT THE BRISTOL COUNTY AGRICULTURAL SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county are hereby authorized, subject to the approval of the commissioner of education, to raise and expend a sum not exceeding fifty-five thousand dollars for the erection and equipment of an addition to a building at the Bristol county agricultural school. In the preparation of plans and specifications and before any contract is awarded or other liability is incurred, except such as may be necessary in connection with such preparation of plans and specifications, said commissioners shall consult with the trustees of said school and with the commissioner of education. All sums, if any, received from the federal government for the purposes of this act, shall be included in, and considered as a part of, the total amount authorized to be expended hereunder.

SECTION 2. The provisions of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, and acts in amendment thereof and in addition thereto whereby counties, cities and towns, and fire, water, light and improvement districts may secure the benefits provided by any act or joint resolutions of congress, are hereby extended and made applicable to the county of Bristol for the purposes of the work contemplated by this act, and the county commissioners of said county shall, with the consent of the governor, take any and all steps necessary from time to time to enable Bristol county to secure for said purposes

any benefits to which said county may be entitled under any such act or joint resolutions.

SECTION 3. To provide funds for erecting and equipping the addition hereinbefore authorized, the county treasurer of Bristol county, with the approval of said county commissioners, may borrow from time to time on the credit of the county such sums, not exceeding, in the aggregate, fifty-five thousand dollars, as may be necessary, and may issue bonds or notes therefor, which shall bear on their face the words, Bristol County Agricultural School Loan, Act of 1938. Each authorized issue shall constitute a separate loan. Such bonds or notes shall be payable in such annual payments, beginning not more than one year from the date thereof, as will extinguish each loan in not more than fifteen years from their dates, and so that the amount of such annual payment in any year shall not be less than the amount of the principal of the loan payable in any subsequent year. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of said county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as said county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Any sums received from the federal government for the purposes of this act may be applied toward payment either of the expenditures authorized by section one of this act or of the principal of the bonds or notes hereby authorized.

SECTION 4. The county treasurer of Bristol county, with the approval of said county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, and may renew the same; but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof or from grants or contributions received under authority of this act, or from all such sources.

SECTION 5. This act shall take full effect upon its acceptance during the current year by the county commissioners of Bristol county, but not otherwise.

Approved March 15, 1938.

AN ACT EXTENDING THE PROVISIONS OF THE WORKMEN'S COMPENSATION LAW TO EMPLOYEES OF INDEPENDENT CONTRACTORS AND SUB-CONTRACTORS INJURED ON THE PUBLIC WAYS. *Chap. 102*

Be it enacted, etc., as follows:

Section eighteen of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, G. L. (Ter. Ed.), 152, § 18, amended.

"Premises"
defined.

tion, is hereby amended by adding at the end the following new sentence: — The word "premises", as used in this section, shall include the public highways if the contract requires or necessitates the use of the public highways.

Approved March 15, 1938.

Chap.103 AN ACT PROVIDING FOR THE KEEPING OF CERTAIN INFLAMMABLE FLUIDS IN MOTOR VEHICLES IN CERTAIN PRIVATE GARAGES WITHOUT A LICENSE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 14S, § 14,
amended.

Section fourteen of chapter one hundred and forty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following: —, or to any private garage not in existence on said July first which is an appurtenance to a dwelling and in which not more than three automobiles or motor vehicles are kept, — so as to read as follows: — *Section 14.* Gasoline or any other volatile inflammable fluid which emits a vapor at a temperature below one hundred degrees Fahrenheit when tested in the open air shall, when in any motor vehicle which is in a building or other structure, be deemed to be kept in such building or other structure within the meaning of the preceding section; provided, that this section shall not apply to any building in existence on July first, nineteen hundred and eleven, in which not more than two automobiles or motor vehicles are kept, if such building or part thereof is not used either for human habitation or for holding gatherings of more than twenty persons, or for giving entertainments, instruction or employment to more than that number, or to any private garage not in existence on said July first which is an appurtenance to a dwelling and in which not more than three automobiles or motor vehicles are kept.

Storage of
gasoline in
motor vehicles
regulated.

Approved March 15, 1938.

Chap.104 AN ACT FURTHER REGULATING THE PROCEDURE OF THE BOARD OF ALDERMEN OF THE CITY OF SOMERVILLE RELATIVE TO ORDINANCES, ORDERS AND RESOLUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter two hundred and forty of the acts of eighteen hundred and ninety-nine is hereby amended by striking out, in the sixth line, the word "five" and inserting in place thereof the word: — three, — so as to read as follows: — *Section 15.* Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session, provided that no member of said board objects thereto; but if one or more members object the measure shall be postponed for that meeting; and if when it is next brought up three or more members object to its passage at that meeting a second postponement of at least one week shall take place.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the board of aldermen of said city, subject to the provisions of its charter, but not otherwise.
Approved March 15, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF SUPERINTENDENT OF CITY SCALES OF THE CITY OF LOWELL UNDER THE CIVIL SERVICE LAWS. Chap.105

Be it enacted, etc., as follows:

SECTION 1. The office of superintendent of city scales of the city of Lowell shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws; but the person holding said office on said effective date may continue to serve as such superintendent without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Lowell at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of superintendent of city scales of the City of Lowell under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 15, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF BELLINGHAM UNDER THE CIVIL SERVICE LAWS. Chap.106

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Bellingham shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the year nineteen hundred and thirty-nine in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an Act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to

authorize the placing of the office of Chief of Police of the Town of Bellingham under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 15, 1938.

*Chap.*107 AN ACT DESIGNATING THE CITY MARSHAL OF THE POLICE DEPARTMENT OF THE CITY OF HAVERHILL AS CHIEF OF THE POLICE DEPARTMENT OF SAID CITY, AND AUTHORIZING THE PLACING OF THE OFFICE OF SAID CHIEF UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The city marshal of the police department of the city of Haverhill shall hereafter be designated as the chief of the police department of said city.

SECTION 2. The office of chief of the police department of the city of Haverhill shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to the appointment and removal of permanent members of police departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations, but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 3. This act shall be submitted to the registered voters of said city at the municipal election in the current year in the form of the following question, which shall be placed upon the official ballot to be used at said election: "Shall an act of the General Court passed in the year nineteen hundred and thirty-eight, entitled 'An Act designating the City Marshal of the Police Department of the City of Haverhill as Chief of the Police Department of Said City, and authorizing the placing of the Office of Said Chief under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved March 15, 1938.

*Chap.*108 AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION TO CO-OPERATE WITH THE FEDERAL CIVILIAN CONSERVATION CORPS IN THE CONSTRUCTION OF THE MIDDLEFIELD DAM IN THE TOWN OF MIDDLEFIELD.

Be it enacted, etc., as follows:

The department of conservation may expend, subject to appropriation, sums not exceeding, in the aggregate, fifteen thousand dollars, for the purpose of co-operating with the civilian conservation corps of the federal government in the

construction by said corps of the Middlefield dam on Factory brook in the town of Middlefield.

Approved March 15, 1938.

AN ACT AUTHORIZING THE CITY OF FITCHBURG TO FUND CERTAIN INDEBTEDNESS. Chap.109

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet certain loans issued in the year nineteen hundred and thirty-seven under clause (9) of section eight of chapter forty-four of the General Laws, the city of Fitchburg may borrow during the current year such sums, not exceeding, in the aggregate, one hundred and thirty-five thousand dollars. as may be necessary, and may issue bonds or notes therefor, which shall bear on their face the words, City of Fitchburg Funding Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to said chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1938.

AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO PROVIDE AN EMERGENCY WATER SUPPLY. Chap.110

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing an auxiliary water supply for use in times of drought and in case of fire or other emergency, the town of Winchester, acting by and through its water and sewer board, is hereby authorized, at any time and from time to time, to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any spring or of any ground water sources of supply by means of artesian, driven or other wells or filter galleries within the town, and the water rights connected therewith, and to convey the water taken from such sources to any part of the town, and also, for such purposes, to take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval

of the department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants and other works necessary in carrying out this act shall be subject to the approval of said department.

SECTION 2. Said town may lay, construct and maintain on any land acquired hereunder all wells, water pipes, conduits, aqueducts, machinery, works or structures, including filtration and other treatment works, necessary for taking and storing water and conveying, filtering or otherwise treating or distributing the same as a part of or as auxiliary to its present water supply system authorized by chapter two hundred and sixty-five of the acts of eighteen hundred and seventy-two, and chapter two hundred and seventy-seven of the acts of eighteen hundred and seventy-three; and, for the purposes aforesaid, may lay, construct and maintain its conduits, water pipes, aqueducts and other works or structures under, over or along any land, water courses, railroads, public or other ways in such manner as not unnecessarily to obstruct the same, and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works or structures, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said town shall not enter upon, construct or lay any conduits, pipes or other works or structures within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or, in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 3. Said town may also enter upon any lands within its territorial limits, for the purpose of making surveys, test pits and borings, and may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, the right to temporarily occupy and use any land necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 4. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by the town under authority of this act, shall forfeit and pay to said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

SECTION 5. Any vote of the town meeting members of said town at a representative town meeting held in the current year authorizing the acquiring of land for the pur-

poses of this act or appropriating money therefor shall be valid to the same extent as if this act had been in effect before the issuance of the warrant for said meeting.

SECTION 6. This act shall take effect upon its passage.
Approved March 17, 1938.

AN ACT RELATIVE TO THE APPLICATION OF THE MOTOR VEHICLE EXCISE TAX LAW IN RESPECT TO CERTAIN MOTOR VEHICLES REGISTERED IN THIS COMMONWEALTH AND IN ANOTHER STATE. Chap.111

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Section one of chapter sixty A of the General Laws, as amended by sections one and two of chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-six, is hereby further amended by adding at the end the following new paragraph: — G. L. (Ter. Ed.), 60A, § 1, etc., amended.

Nothing in this section shall be construed to impose an excise tax upon any motor vehicle registered and customarily kept in another state if such other state does not impose an excise, privilege or property tax or fee, in addition to a registration fee, upon motor vehicles registered and customarily kept in this commonwealth. The commissioner shall determine what states do not impose such additional excise, privilege or property tax or fee, and his determination shall be final. Excise tax on out of state cars.

Exemptions.
Approved March 17, 1938.

AN ACT AUTHORIZING THE CITY OF LYNN TO BORROW MONEY FOR SCHOOL PURPOSES. Chap.112

Be it enacted, etc., as follows:

SECTION 1. For the purpose of acquiring land for and constructing elementary school buildings, or for either of such purposes, and for the purpose of originally equipping and furnishing any such new buildings, the city of Lynn may borrow from time to time, within five years from passage of this act, such sums as may be necessary, not exceeding, in the aggregate, eight hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lynn School Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their date, but no issue shall be authorized unless, in the current year, there shall have been appropriated from available revenue funds or voted to be raised by taxation for said school purposes a sum equal to twenty-five cents on each one thousand dollars of the assessed valuation of said city for the preceding year. Indebtedness incurred under this

act shall be in excess of the statutory limit and shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of so much of the proviso in the first paragraph of section seven thereof as is incorporated herein.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1938.

Chap. 113 AN ACT RELATIVE TO THE POWERS AND DUTIES OF PLANNING BOARDS ESTABLISHED UNDER THE LAWS PROVIDING FOR AN IMPROVED METHOD OF MUNICIPAL PLANNING.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 41, § 81A,
etc., amended.

Section eighty-one A of chapter forty-one of the General Laws, inserted by section four of chapter two hundred and eleven of the acts of nineteen hundred and thirty-six, is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

City and town
planning
boards.

In any city or town wherein any of the powers and duties of planning boards or boards of survey are being exercised and performed by a planning board established under section seventy or corresponding provisions of earlier laws, or by a board of survey established under section seventy-three or corresponding provisions of earlier laws or by a special act, or by the board of selectmen acting as a planning board, or by any other board, all such powers and duties shall cease to be so exercised and performed, and any such planning board or board of survey shall cease to exist, when the members of the planning board established in such city or town under this section take office; and thereupon the planning board established therein under this section shall have and exercise all the powers and duties theretofore conferred and imposed by general law upon planning boards and boards of survey in cities or towns, as the case may be, and all the powers and duties of any such board theretofore conferred and imposed by special law upon any board of the city or town, as well as the powers and duties conferred and imposed by this and the nine following sections. The officer or person having custody of the records or plans, or both, of the former board shall turn them over to the officer or person entitled to custody of the records and plans of the board established under this section.

Powers and
duties.

Approved March 17, 1938.

AN ACT ESTABLISHING THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES. Chap. 114

Whereas, The deferred operation of this act would cause great inconvenience in the determination of local tax rates, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency
preamble.

Be it enacted, etc., as follows:

The number of polls, the amount of property and the proportion of every thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the commonwealth, as contained in the following schedule, are hereby established, and shall constitute a basis of apportionment for state and county taxes until another is made and enacted by the general court, to wit:

POLLS, PROPERTY AND APPORTIONMENT OF STATE AND COUNTY TAX OF \$1,000.
BARNSTABLE COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	2,656	\$25,515,208	\$3 60
Bourne	1,048	9,704,334	1 37
Brewster	226	2,250,000	32
Chatham	654	6,625,000	93
Dennis	583	4,975,000	71
Eastham	168	1,400,000	20
Falmouth	2,031	23,011,356	3 21
Harwich	790	6,750,000	96
Mashpee	121	947,630	14
Orleans	431	4,000,000	57
Provincetown	1,320	4,309,650	70
Sandwich	456	2,800,555	41
Truro	164	1,585,000	22
Wellfleet	248	2,202,107	31
Yarmouth	650	6,008,906	85
Totals	11,546	\$102,084,746	\$14 50

BERKSHIRE COUNTY.

Adams	3,816	\$10,471,805	\$1 75
Alford	67	302,469	05
Becket	236	872,417	14
Cheshire	460	1,206,583	20
Clarksburg	404	849,248	15
Dalton	1,217	7,593,538	1 11

BERKSHIRE COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Egremont	167	\$1,011,186	\$0 15
Florida	138	1,450,000	20
Great Barrington	1,870	9,250,287	1 40
Hancock	126	450,867	07
Hinsdale	347	983,123	16
Lanesborough	383	1,254,592	20
Lee	1,221	4,986,095	77
Lenox	869	6,065,600	88
Monterey	100	858,568	12
Mount Washington	22	225,000	03
New Ashford	31	160,599	02
New Marlborough	293	1,434,934	22
North Adams	6,447	22,779,259	3 62
Otis	138	624,508	10
Peru	51	300,449	04
Pittsfield	14,718	63,786,860	9 81
Richmond	191	794,728	12
Sandisfield	163	721,947	11
Savoy	115	175,000	03
Sheffield	544	1,533,741	25
Stockbridge	628	4,740,130	68
Tyringham	74	457,076	07
Washington	77	220,899	04
West Stockbridge	315	1,273,238	20
Williamstown	1,341	7,476,199	1 11
Windsor	117	477,596	07
Totals	36,686	\$154,788,541	\$23 87

BRISTOL COUNTY.

Acushnet	1,167	\$3,433,444	\$0 57
Attleboro	6,606	26,396,209	4 11
Berkley	330	894,488	15
Dartmouth	2,834	11,997,277	1 85
Dighton	869	3,730,676	57
Easton	1,685	5,198,728	85
Fairhaven	3,207	11,327,003	1 80
Fall River	33,308	111,040,333	17 84
Freetown	498	1,470,819	24
Mansfield	2,001	7,897,163	1 23
New Bedford	32,909	123,284,060	19 40
North Attleborough	3,187	10,530,807	1 69
Norton	856	2,346,933	39
Raynham	639	1,821,722	30
Rehoboth	817	2,560,804	42
Seekonk	1,411	5,305,127	83
Somerset	1,633	13,045,854	1 87
Swansea	1,332	4,590,211	73
Taunton	10,850	36,463,774	5 85
Westport	1,234	5,814,162	88
Totals	107,373	\$389,149,594	\$61 57

COUNTY OF DUKES COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Chilmark . . .	75	\$710,000	\$0 10
Edgartown . . .	433	4,909,430	68
Gay Head . . .	43	162,200	03
Gosnold . . .	48	1,300,000	17
Oak Bluffs . . .	491	5,301,306	74
Tisbury . . .	484	5,603,200	78
West Tisbury . . .	77	890,000	12
Totals . . .	1,651	\$18,876,136	\$2 62

ESSEX COUNTY.

Amesbury . . .	3,146	\$9,190,804	\$1 52
Andover . . .	3,131	17,700,191	2 63
Beverly . . .	7,414	41,392,656	6 15
Boxford . . .	223	1,250,922	19
Danvers . . .	3,357	13,694,869	2 13
Essex . . .	454	1,715,686	27
Georgetown . . .	610	1,850,777	30
Gloucester . . .	7,118	38,915,221	5 80
Groveland . . .	635	1,501,737	26
Hamilton . . .	659	5,808,070	82
Haverhill . . .	14,267	51,756,664	8 19
Ipswich . . .	1,863	7,082,869	1 11
Lawrence . . .	23,876	105,530,870	16 18
Lynn . . .	30,491	141,840,252	21 59
Lynnfield . . .	743	3,971,971	59
Manchester . . .	794	11,947,599	1 64
Marblehead . . .	3,141	21,281,652	3 10
Merrimac . . .	657	1,635,885	28
Methuen . . .	6,501	20,455,173	3 32
Middleton . . .	524	2,183,620	34
Nahant . . .	603	6,225,707	87
Newbury . . .	484	2,286,481	35
Newburyport . . .	4,173	12,823,399	2 09
North Andover . . .	2,262	8,180,788	1 30
Peabody . . .	6,942	23,908,389	3 82
Rockport . . .	1,193	6,079,865	91
Rowley . . .	453	1,475,000	24
Salem . . .	12,151	59,165,075	8 95
Salisbury . . .	789	3,057,880	48
Saugus . . .	4,574	16,169,948	2 57
Swampscott . . .	3,089	25,391,023	3 63
Topsfield . . .	329	3,405,586	48
Wenham . . .	373	3,906,012	55
West Newbury . . .	396	1,377,464	22
Totals . . .	147,415	\$674,160,105	\$102 87

FRANKLIN COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Ashfield	265	\$1,314,969	\$0 20
Bernardston	263	954,232	15
Buckland	434	2,975,122	43
Charlemont	299	1,002,940	16
Colrain	453	1,470,340	24
Conway	259	1,005,549	16
Deerfield	883	4,239,513	64
Erving	389	2,250,709	33
Gill	300	905,039	15
Greenfield	4,874	29,745,499	4 37
Hawley	92	250,000	04
Heath	87	400,000	06
Leverett	185	516,913	09
Leyden	83	301,014	05
Monroe	78	1,224,765	17
Montague	2,220	10,927,504	1 65
New Salem	122	430,000	07
Northfield	539	2,022,329	32
Orange	1,573	4,996,460	81
Rowe	89	777,127	11
Shelburne	446	3,259,255	47
Shutesbury	72	400,000	06
Sunderland	310	1,202,198	19
Warwick	105	380,000	06
Wendell	97	911,076	13
Whately	359	1,153,160	19
Totals	14,876	\$75,015,713	\$11 30

HAMPDEN COUNTY.

Agawam	2,186	\$9,133,483	\$1 41
Blandford	150	825,000	12
Brimfield	284	1,007,219	16
Chester	422	1,345,190	22
Chicopee	11,960	41,749,120	6 65
East Longmeadow	1,033	4,007,933	63
Granville	206	2,019,405	28
Hampden	281	701,190	12
Holland	63	268,000	04
Holyoke	16,419	85,171,512	12 77
Longmeadow	1,505	14,059,113	1 99
Ludlow	2,291	9,281,562	1 44
Monson	1,210	3,287,826	55
Montgomery	59	300,000	05
Palmer	2,629	7,538,664	1 25
Russell	358	3,367,702	48
Southwick	450	2,025,240	31
Springfield	45,344	280,786,724	41 23
Tolland	50	401,597	06
Wales	130	363,487	06
West Springfield	4,865	25,937,158	3 88
Westfield	5,811	20,043,484	3 20
Wilbraham	830	3,252,809	51
Totals	98,536	\$516,873,418	\$77 41

HAMPSHIRE COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Amherst	1,818	\$10,079,744	\$1 50
Belchertown	700	1,593,464	28
Chesterfield	144	604,077	09
Cummington	173	552,232	09
Easthampton	3,143	11,047,516	1 76
Enfield	147	525,313	08
Goshen	71	402,591	06
Granby	306	1,002,421	16
Greenwich	65	355,000	05
Hadley	771	3,006,220	47
Hatfield	710	2,709,499	43
Huntington	411	1,027,317	18
Middlefield	87	321,497	05
Northampton	6,014	27,164,726	4 15
Pelham	139	751,301	11
Plainfield	86	350,464	05
Prescott	6	24,000	01
South Hadley	1,922	9,528,683	1 44
Southampton	275	1,008,184	16
Ware	2,314	5,824,109	99
Westhampton	97	411,040	06
Williamsburg	528	1,186,601	21
Worthington	192	651,246	10
Totals	20,119	\$80,127,245	\$12 48

MIDDLESEX COUNTY.

Acton	777	\$3,859,550	\$0 58
Arlington	11,121	60,829,444	9 06
Ashby	312	1,045,125	17
Ashland	807	2,682,049	43
Ayer	886	3,693,636	57
Bedford	588	2,804,688	43
Belmont	7,312	52,313,880	7 57
Billerica	1,917	9,161,858	1 39
Boxborough	117	400,000	06
Burlington	696	2,485,954	39
Cambridge	32,497	187,823,004	27 80
Carlisle	211	1,146,741	17
Chelmsford	2,252	7,147,256	1 16
Concord	1,925	10,630,362	1 58
Dracut	1,962	4,264,703	75
Dunstable	125	460,000	07
Everett	14,155	73,640,848	11 04
Framingham	6,783	36,142,068	5 40
Groton	796	4,816,254	71
Holliston	854	3,605,921	56
Hopkinton	746	3,043,695	47
Hudson	2,368	7,053,856	1 16
Lexington	3,229	23,093,318	3 34
Lincoln	525	3,505,899	51
Littleton	511	3,108,412	46
Lowell	26,943	105,304,985	16 46

MIDDLESEX COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Malden	17,099	\$70,434,558	\$10 91
Marlborough	4,722	16,245,277	2 60
Maynard	2,381	6,841,096	1 13
Medford	17,939	82,919,061	12 63
Melrose	7,106	38,766,627	5 78
Natick	4,296	20,375,803	3 09
Newton	19,397	170,396,381	24 21
North Reading	750	2,527,155	41
Pepperell	868	2,869,600	46
Reading	3,047	17,158,208	2 55
Sherborn	328	3,009,269	43
Shirley	651	2,133,158	34
Somerville	30,200	107,529,557	17 07
Stoneham	3,111	15,095,031	2 28
Stow	369	1,505,264	23
Sudbury	531	3,010,049	45
Tewksbury	895	4,636,897	70
Townsend	618	2,472,962	38
Tyngsborough	399	1,401,225	22
Wakefield	4,854	21,899,457	3 35
Waltham	11,384	57,273,902	8 62
Watertown	10,574	54,409,070	8 17
Wayland	931	6,020,829	88
Westford	1,081	4,342,966	68
Weston	1,310	10,519,365	1 51
Wilmington	1,236	4,300,000	69
Winchester	3,777	34,232,508	4 85
Woburn	6,085	20,816,627	3 33
Totals	276,354	\$1,397,205,408	\$210 24

NANTUCKET COUNTY.

Nantucket	1,102	\$13,079,589	\$1 82
Totals	1,102	\$13,079,589	\$1 82

NORFOLK COUNTY.

Avon	681	\$1,981,589	\$0 33
Bellingham	860	2,459,083	41
Braintree	4,960	28,553,957	4 23
Brookline	13,380	164,400,752	22 82
Canton	1,830	8,902,902	1 35
Cohasset	1,006	10,552,389	1 48
Dedham	4,610	25,267,702	3 76
Dover	437	4,564,458	64
Foxborough	1,367	6,069,510	93
Franklin	2,203	9,311,026	1 44
Holbrook	1,002	3,519,052	56
Medfield	752	2,861,474	45

NORFOLK COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Medway	996	\$3,228,006	\$0 52
Millis	636	3,142,600	47
Milton	5,445	39,763,457	5 74
Needham	3,638	24,821,853	3 61
Norfolk	415	1,666,719	26
Norwood	4,881	25,872,402	3 87
Plainville	453	1,624,878	26
Quincy	22,826	127,551,138	18 95
Randolph	2,059	7,103,390	1 13
Sharon	1,091	6,430,712	95
Stoughton	2,557	9,262,125	1 47
Walpole	2,213	15,373,349	2 23
Wellesley	3,635	43,075,151	5 99
Westwood	902	5,766,853	84
Weymouth	6,740	49,881,718	7 19
Wrentham	736	3,959,739	59
Totals	92,311	\$636,967,984	\$92 47

PLYMOUTH COUNTY.

Abington	1,712	\$5,799,161	\$0 93
Bridgewater	2,028	6,296,328	1 03
Brockton	19,226	76,668,810	11 94
Carver	517	3,049,042	45
Duxbury	708	7,365,185	1 03
East Bridgewater	1,123	4,970,213	76
Halifax	272	1,492,247	22
Hanover	849	3,890,913	59
Hanson	699	2,761,080	43
Hingham	2,103	16,064,595	2 31
Hull	851	18,024,498	2 44
Kingston	858	4,483,732	67
Lakeville	464	1,445,685	24
Marion	566	5,548,697	78
Marshfield	771	8,018,811	1 13
Mattapoisett	484	3,936,300	56
Middleborough	2,637	8,987,251	1 44
Norwell	523	2,257,277	35
Pembroke	494	2,956,286	44
Plymouth	4,118	22,865,757	3 40
Plympton	159	747,252	11
Rochester	384	1,327,848	21
Rockland	2,334	8,689,506	1 37
Scituate	1,284	13,094,022	1 84
Wareham	2,224	14,666,724	2 14
West Bridgewater	993	3,190,900	52
Whitman	2,317	8,560,180	1 35
Totals	50,698	\$257,158,300	\$38 68

SUFFOLK COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Boston	236,885	\$1,646,494,727	\$238 86
Chelsea	12,438	46,556,701	7 33
Revere	10,163	40,251,761	6 28
Winthrop	5,304	24,740,165	3 76
Totals	264,790	\$1,758,043,354	\$256 23

WORCESTER COUNTY.

Ashburnham	640	\$1,937,023	\$0 32
Athol	3,306	11,796,155	1 87
Auburn	1,910	6,346,666	1 02
Barre	1,067	2,925,852	49
Berlin	312	1,151,429	18
Blackstone	1,272	2,195,731	41
Bolton	235	1,100,486	17
Boylston	337	1,000,000	16
Brookfield	379	1,363,217	22
Charlton	719	2,016,075	34
Clinton	3,743	12,011,906	1 94
Dana	73	367,205	06
Douglas	715	2,045,339	34
Dudley	1,344	3,870,595	64
East Brookfield	293	1,017,870	16
Fitchburg	12,474	51,788,018	8 02
Gardner	6,071	23,315,328	3 65
Grafton	1,782	4,551,764	77
Hardwick	722	1,787,566	31
Harvard	336	2,309,755	34
Holden	1,192	3,368,535	56
Hopedale	966	6,547,233	95
Hubbardston	344	800,000	14
Lancaster	717	3,010,460	47
Leicester	1,334	3,440,550	58
Leominster	6,401	25,291,588	3 95
Lunenburg	663	2,308,303	37
Mendon	397	1,412,924	22
Milford	4,503	15,334,293	2 45
Millbury	2,056	6,179,267	1 01
Millville	519	1,060,243	19
New Braintree	160	610,000	10
North Brookfield	899	2,495,772	42
Northborough	672	2,111,742	34
Northbridge	3,195	10,097,263	1 64
Oakham	140	450,000	07
Oxford	1,285	3,196,869	55
Paxton	256	995,000	16
Petersham	213	1,550,000	22
Phillipston	122	400,000	06
Princeton	231	1,350,000	20
Royalston	254	850,000	14
Rutland	500	1,380,000	23
Shrewsbury	2,141	9,472,860	1 45
Southborough	610	3,026,242	46

WORCESTER COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Southbridge	4,947	\$13,149,234	\$2 21
Spencer	1,960	4,997,082	85
Sterling	492	2,018,390	31
Sturbridge	649	1,531,217	27
Sutton	707	1,938,723	32
Templeton	1,249	3,371,516	57
Upton	610	1,444,045	25
Uxbridge	1,852	7,730,878	1 20
Warren	1,110	2,561,494	45
Webster	4,126	10,942,293	1 84
West Boylston	599	2,234,904	35
West Brookfield . . .	371	1,470,981	23
Westborough	1,318	4,676,973	74
Westminster	524	1,775,000	28
Winchendon	1,931	5,559,213	92
Worcester	56,775	299,406,942	44 81
Totals	146,720	\$606,446,009	\$93 94

RECAPITULATION.

COUNTIES.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	11,546	\$102,084,746	\$14 50
Berkshire	36,686	154,788,541	23 87
Bristol	107,373	389,149,594	61 57
Dukes	1,651	18,876,136	2 62
Essex	147,415	674,160,105	102 87
Franklin	14,876	75,015,713	11 30
Hampden	98,536	516,873,418	77 41
Hampshire	20,119	80,127,245	12 48
Middlesex	276,354	1,397,205,408	210 24
Nantucket	1,102	13,079,589	1 82
Norfolk	92,311	636,967,984	92 47
Plymouth	50,698	257,158,300	38 68
Suffolk	264,790	1,758,043,354	256 23
Worcester	146,720	606,446,009	93 94
Totals	1,270,177	\$6,679,976,142	\$1,000 00

Approved March 17, 1938.

*Chap.*115 AN ACT RELATIVE TO ACTIONS, SUITS AND PROCEEDINGS
ARISING OR PENDING IN THE COUNTY OF DUKES WHICH
ARE COGNIZABLE BY THE SUPREME JUDICIAL COURT.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 211, § 19,
amended.

Certain cases
pending in
Dukes County
or Nantucket
to be tried
in Bristol.

SECTION 1. Chapter two hundred and eleven of the General Laws is hereby amended by striking out section nineteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 19.* An action, suit or proceeding arising or pending in the county of Nantucket, which is cognizable by the supreme judicial court and which is to be heard before one justice, shall be entered, heard, tried and determined at the court held in the county of Bristol, in all respects as if the same court were held in the county of Nantucket. An action, suit or proceeding arising or pending in the county of Dukes, which is so cognizable and which is to be heard before one justice, shall be heard, tried and determined at the court held in the county of Bristol, in all respects as if the same court were held in the county of Dukes; provided, that the records and papers in all such cases entered in the county of Dukes shall be kept in said county, but the papers may be transmitted to and from any other county in accordance with such rules or orders as said court may make. All matters cognizable by the full court arising or pending in the county of Dukes or Nantucket shall be heard and determined as if arising in the county of Bristol.

G. L. (Ter.
Ed.), 223, § 24,
amended.

Return days
in supreme
judicial and
superior
courts.

SECTION 2. Section twenty-four of chapter two hundred and twenty-three of the General Laws, as so appearing, is hereby amended by striking out, in the eleventh line, the words "Dukes or", — so as to read as follows:— *Section 24.* The first Monday of every month shall be a return day in every county for writs, processes, notices to appear and citations in all actions, suits and other civil proceedings in the supreme judicial court and the superior court, and for the entry in the superior court of actions appealed from district courts. If said first Monday is a legal holiday, such writs, processes, notices and citations shall be returned, and such suits entered, on the day following. Such writs, processes, notices and citations may be made returnable, at the election of the party who takes out the same, at any return day within three months after the date thereof; but said courts may make them returnable at other times. If they issue out of the supreme judicial court for Nantucket county, they shall be returnable in Bristol county.

Approved March 17, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF
CHIEF OF POLICE OF THE TOWN OF FAIRHAVEN UNDER
THE CIVIL SERVICE LAWS. Chap.116

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Fairhaven shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the town of Fairhaven at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said town at said election: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of chief of police of the town of Fairhaven under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 17, 1938.

AN ACT TO AUTHORIZE THE ASSOCIATED JEWISH CENTERS
CAMP, INC., TO TRANSFER PROPERTY TO ASSOCIATED YOUNG
MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATIONS OF NEW
ENGLAND, INC. Chap.117

Be it enacted, etc., as follows:

SECTION 1. The Associated Jewish Centers Camp, Inc., a corporation organized under chapter one hundred and eighty of the General Laws, is hereby authorized to convey and transfer to Associated Young Men's and Young Women's Hebrew Associations of New England, Inc., a corporation organized under said chapter one hundred and eighty, all its property and assets, real and personal, including its property, real and personal, known as Camp Naomi for Girls situated in the town of Billerica. Notwithstanding such conveyance and transfer, all and singular the obligations of said The Associated Jewish Centers Camp, Inc. shall remain in full force, and said Associated Young Men's and Young Women's Hebrew Associations of New England, Inc. shall be liable, to the extent of the value of all the property applicable to the discharge of its obligations, received from The Associated Jewish Centers Camp, Inc., upon all contracts made by said last-mentioned corporation.

SECTION 2. This act shall not take effect until it shall have been accepted by the votes of the board of directors,

or the officers having the powers of directors, of each of said corporations and copies of the respective votes of acceptance shall have been filed with the state secretary.

Approved March 17, 1938.

Chap. 118 AN ACT AUTHORIZING THE TOWN OF AGAWAM TO PAY CERTAIN MONEYS ON ACCOUNT OF DEATHS AND INJURIES SUFFERED BY CERTAIN OFFICERS OF SAID TOWN IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging its moral obligation in the premises, the town of Agawam may appropriate and pay sums, not exceeding, in the aggregate, twenty-five hundred dollars, for the purpose of reimbursing certain persons for medical, hospital and funeral expenses incurred on account of deaths and injuries suffered by certain officials of said town while traveling to the city of Boston on official business of the town.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of the town of Agawam voting thereon at a town meeting called for the purpose during the current year.

Approved March 17, 1938.

Chap. 119 AN ACT PROVIDING FOR THE DISPOSITION OF SINKING FUND SURPLUSES IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. When any sinking fund of the city of Cambridge with its accumulations added, calculated on the basis on which such funds are figured, contains more than an amount sufficient to extinguish at maturity the indebtedness for which it was established, such surplus, by vote of the sinking fund commissioners, may be

(1) Added to any other sinking fund under the control of said commissioners which, with its accumulations, will not be sufficient to extinguish at maturity the indebtedness for which it was established; or

(2) Returned to the municipal treasury to be applied to the payment of serial debt, regardless of the source from which said surplus originated.

In determining the sufficiency of any sinking fund under this section, obligations of the United States, and of the commonwealth and of any city or town thereof, which mature on or prior to the date of maturity of the indebtedness for which the fund was established, shall be figured at par value; but all other obligations and securities in said sinking fund shall be figured at their fair market value at the time the determination as to sufficiency is made, but not exceeding the par value thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1938.

AN ACT AUTHORIZING THE CITY OF MEDFORD TO APPROPRIATE MONEY FOR, AND TO PAY, COUNSEL FEES AND EXPENSES OF COUNSEL ARISING OUT OF CERTAIN LEGAL ACTION RELATIVE TO THE LICENSING BOARD OF SAID CITY. Chap.120

Be it enacted, etc., as follows:

SECTION 1. The city of Medford is hereby authorized and empowered to appropriate money for and pay counsel fees and expenses of counsel arising out of legal action undertaken to restore, and which resulted in restoring, the members of the licensing board of said city to their respective offices after removal by the mayor of said city in the year nineteen hundred and thirty-four, and, in addition, to appropriate money for and pay counsel fees and expenses of counsel arising out of legal action undertaken to restrain, and which resulted in restraining, the board of aldermen of said city from usurping the powers of said licensing board.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1938.

AN ACT FURTHER REGULATING THE ISSUANCE TO NON-RESIDENT UNITED STATES CITIZENS OF SPECIAL FISHING LICENSES. Chap.121

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter one hundred and thirty-one of the General Laws is hereby amended by striking out the paragraph inserted by chapter one hundred and fifty-six of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 131, § 8, etc., amended.

For a fishing license covering all the inland waters and good for three consecutive days specified on the license, one dollar and fifty cents. Said days may be so specified on the license and the duration of the license may be so limited, notwithstanding any provision of section five of chapter one hundred and twenty-nine A, and section six of chapter one hundred and thirty-one.

Special fishing licenses.

SECTION 2. This act shall take effect on January first, nineteen hundred and thirty-nine.

Effective date.

Approved March 22, 1938.

AN ACT PROVIDING FOR ONE DAY OFF IN EVERY SEVEN DAYS FOR POLICE OFFICERS IN THE CITY OF BOSTON. Chap.122

Be it enacted, etc., as follows:

SECTION 1. Members of the police department of the city of Boston shall be excused from duty for one day out of every seven without loss of pay. The time and manner of excusing members of said police department from duty shall be determined by the police commissioner for said city. A member so excused shall be exempt from duty and

from attendance at a police station or other place, but otherwise shall be subject to all laws, rules and regulations relating to members of said department. Said police commissioner, in case of any public emergency, or of any unusual demand for the services of the police in said city, may prevent any member of said department from taking the day off at the time when he is entitled thereto, or at the time assigned therefor; provided, that such day off shall be granted to him as soon thereafter as is practicable. In no case shall the number of such days off be less than fifty-two in each year and they shall be in addition to any annual vacation now or hereafter allowed to members of said department, and such annual vacation shall not be diminished on account thereof.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter. *Approved March 22, 1938.*

*Chap.*123 AN ACT AUTHORIZING THE POLICE COMMISSIONER FOR THE CITY OF BOSTON TO DESTROY CERTAIN SLOT MACHINES AND OTHER ARTICLES USED IN UNLAWFUL GAMING NOW IN THE POSSESSION OF THE POLICE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

Any slot machine or other gaming apparatus or implement or cabinet, supposed to have been found in a place where unlawful gaming was carried on, which is in the custody of the police department of the city of Boston and is not the subject of a pending proceeding for forfeiture under sections one to eight, inclusive, of chapter two hundred and seventy-six of the General Laws, may be destroyed by the police commissioner for said city; provided, that there shall first be published in a daily newspaper published in said city a notice describing such article, stating when, where and on what ground it was seized and calling upon the owner thereof to claim the same; and provided, further, that the owner of such article does not appear and establish his claim thereto within two months after such publication.

Approved March 22, 1938.

*Chap.*124 AN ACT CHANGING THE TERM OF OFFICE OF THE SUPERINTENDENT OF PUBLIC BUILDINGS IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and thirty-five of the acts of eighteen hundred and ninety-three is hereby amended by striking out, in the second line, the word "annually" and inserting in place thereof the words: —, in the year nineteen hundred and forty and biennially thereafter, — and by striking out, in the fifth line, the words

“one year” and inserting in place thereof the words: — two years, — so as to read as follows: — *Section 1.* The city council of the city of Brockton shall, in the year nineteen hundred and forty and biennially thereafter, as soon after their organization as may be convenient, elect by joint ballot, in convention, a superintendent of public buildings, who shall hold office for the term of two years and until his successor shall be elected and qualified: *provided, however,* that said officer may be removed at any time by the city council for sufficient cause. A vacancy occurring in the above-named office may be filled by joint ballot of the city council at any time. The compensation of the above officer shall be fixed by concurrent vote of the city council.

SECTION 2. If this act is accepted during the current year by vote of the city council of said city, subject to the provisions of its charter, it shall take full effect on January first, nineteen hundred and forty; otherwise it shall be void and of no effect.

Approved March 22, 1938.

AN ACT FURTHER REGULATING THE POWERS AND DUTIES OF THE MUTUAL SAVINGS CENTRAL FUND, INC. Chap.125

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-three of the acts of nineteen hundred and thirty-four is hereby amended by striking out section three A, as inserted by section two of chapter one hundred and forty-nine of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 3A.* Whenever it shall appear to the commissioner that it is inadvisable or inexpedient for any member bank to continue to transact the business for which it is organized without receiving financial assistance as provided in this section, he may, in his discretion, so notify the corporation, and thereupon, if in the judgment of the directors of the corporation such action may reduce the risk or avert a threatened loss to the corporation, or may facilitate a merger or consolidation of such bank with another member bank, or may facilitate the sale of the assets of such bank to and the assumption of its liabilities by one or more other member banks, the corporation may, with the approval of the commissioner and in order to effect the purposes of this act, do any one or more of the following: (a) purchase from said bank the whole or any part of, or any equitable or other interest in, its assets at the book value thereof, or at some other value mutually agreed upon by said bank and said directors, notwithstanding that either of such values may exceed the market value of the assets so purchased, and upon such terms and conditions as said directors, with the approval of the commissioner, may determine; (b) make loans to such bank, secured in whole or in part, in such amounts, and upon such terms and conditions, as said directors, with the approval of the commissioner, may de-

termine; (c) pay to such bank in accordance with an agreement entered into between such bank and the corporation, with the approval of the commissioner, an amount not in excess of the difference between the book value of certain or all its assets and the fair value thereof as determined by said agreement, in consideration for which said bank shall agree to write down such assets to such fair value and to pay over to the corporation so much of any net proceeds realized from the sale or other disposition of each and all such assets as is in excess of such fair value, such payment to be made in such amounts, at such times and upon such terms and conditions as said directors, with the approval of the commissioner, may determine; provided, that any amount paid by the corporation hereunder to such bank and the agreement of such bank to repay the excess, as hereinbefore provided, shall constitute liabilities of such bank only to the extent of any such excess from time to time actually realized; (d) pay into the guaranty fund or profit and loss account of such bank in accordance with an agreement entered into between such bank and the corporation, with the approval of the commissioner, an amount not in excess of the difference between the book value of certain or all its assets and the fair value thereof as determined by said agreement, such bank being hereby authorized and empowered, notwithstanding any other provision of law, to repay such amount to the corporation at such time or times and in such manner as such agreement may prescribe; provided, that any such payment made by the corporation to such bank, and any agreement of such bank to repay the same, shall constitute liabilities of such bank only to the extent provided by said agreement.

Such bank, by vote of at least two thirds of its trustees, may take any and all action necessary or advisable to enable it to carry out any or all provisions of this section.

SECTION 2. Section seven of said chapter forty-three is hereby amended by adding at the end the following: — , and may exercise all the powers and rights of the corporators of such bank relative to a merger or consolidation conferred upon them by section fifty-five of chapter one hundred and sixty-eight, — so as to read as follows: — *Section 7.* For the purpose of carrying out the provisions of this act the corporation may exercise all the powers, rights and franchises of any bank the control, possession and operation of which has been taken over by it under this act, and may exercise all the powers and rights of the corporators of such bank relative to a merger or consolidation conferred upon them by section fifty-five of chapter one hundred and sixty-eight.

Approved March 22, 1938.

AN ACT AUTHORIZING THE TRANSFER BY THE GREAT BARRINGTON FIRE DISTRICT TO THE TOWN OF GREAT BARRINGTON OF THE FRANCHISE AND OTHER RIGHTS AND PRIVILEGES OF SAID DISTRICT IN SO FAR AS THEY RELATE TO THE FIRE DEPARTMENT OF SAID DISTRICT AND TO THE SEWERS AND SIDEWALKS WITHIN ITS LIMITS. Chap. 126

Be it enacted, etc., as follows:

SECTION 1. Upon the acceptance of this section in accordance with section three, the property of the Great Barrington Fire District known as the fire department property, including land with buildings thereon, furnishings, equipment and supplies, and the sewers and sidewalks owned by said district, together with all the rights and privileges of said district in, and relative to, said fire department, sewers and sidewalks, whether vested in said district by virtue of its franchise or otherwise, shall be transferred to and become vested in the town of Great Barrington, which shall thereupon assume all the duties, powers and obligations of said district relating to said fire department, sidewalks and sewers and shall, in addition, pay to said district for the property, rights and privileges so transferred the amount determined as provided in section two, said payment to be in ten equal instalments, one of which shall be paid on the first day of July in each year until such amount shall have been paid in full.

SECTION 2. As soon as may be after the passage of this act, the selectmen of said town and the prudential committee of said district shall each appoint one appraiser, and the two appraisers so chosen shall select a third appraiser. Such appraisers shall constitute a board to fix and determine the amount said town shall pay to said district for the transfer of the property, rights and privileges referred to in section one. A copy of the determination of such appraisers setting forth the amount to be so paid shall be filed with the town clerk and another copy thereof shall be filed with the clerk of the prudential committee, and such copies, when so filed, shall be made available to all interested tax payers of said town and district, respectively.

SECTION 3. Section one shall take full effect upon its acceptance by a majority of the legal voters of said town present and voting thereon at a meeting legally called for the purpose and by a majority of the legal voters of said district present and voting thereon at a meeting legally called for the purpose. Section two and this section shall take effect upon the passage of this act.

Approved March 22, 1938.

*Chap.*127 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF UPTON UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Upton shall, upon effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws, but the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said town at the next annual town meeting in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of chief of police of the town of Upton under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 22, 1938.

*Chap.*128 AN ACT DESIGNATING THE NEW BRIDGE UNDER CONSTRUCTION OVER THE MYSTIC RIVER AT HARVARD STREET IN THE CITY OF MEDFORD AND AT RIVER STREET IN THE TOWN OF ARLINGTON AS THE SQUA SACHEM BRIDGE.

Be it enacted, etc., as follows:

The new bridge authorized to be constructed, and now under construction, over the Mystic river at Harvard street in the city of Medford and at River street in the town of Arlington under the provisions of chapter four hundred and thirty-two of the acts of nineteen hundred and thirty-seven shall be known and described as the Squa Sachem bridge, and a suitable tablet or marker bearing such designation shall be attached to said bridge, upon its completion, by the metropolitan district commission.

Approved March 22, 1938.

*Chap.*129 AN ACT AUTHORIZING THE GRAND LODGE OF MASSACHUSETTS OF THE INDEPENDENT ORDER SONS OF ITALY TO GRANT AND PAY CERTAIN DEATH BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. The Grand Lodge of Massachusetts of The Independent Order Sons of Italy, as now or hereafter constituted and established under the charter, constitution and by-laws of the Supreme Lodge of The Independent Order Sons of Italy, a corporation established under the laws of the

state of New York, is hereby authorized to transact business in the commonwealth and to pay a death benefit to families or dependents of deceased members as fixed by its by-laws, but not exceeding five hundred dollars as to any one member.

SECTION 2. The said Grand Lodge shall, except as otherwise provided in this act, be subject to the provisions of section forty-six, except the third paragraph thereof, of chapter one hundred and seventy-six of the General Laws, relative to limited fraternal benefit societies, and, in addition, to the following provisions: — The said Grand Lodge shall, before paying or agreeing to pay a death benefit as aforesaid exceeding two hundred dollars, file a written notice of its intention to pay such a benefit with the commissioner of insurance in such form and containing such information as the said commissioner may require and it shall, during such time as it pays or agrees to pay a death benefit exceeding said sum, file with said commissioner annually on or before March first a financial statement, in such form and containing such information as the commissioner may require, executed on oath or under the penalties of perjury by two or more of its principal officers, directors or trustees, showing its financial condition as of December thirty-first of the preceding year.

Approved March 22, 1938.

AN ACT RELATIVE TO PROVIDING ADDITIONAL ACCOMMODATIONS FOR THE DISTRICT COURT OF EAST NORFOLK AT QUINCY AND FOR THE DISTRICT COURT OF NORTHERN NORFOLK AT DEDHAM.

Chap. 130

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred of the acts of nineteen hundred and thirty-seven is hereby amended by striking out, in the fifth line, the words "two hundred and fifty" and inserting in place thereof the words: — three hundred, — so as to read as follows: — *Section 2.* For the purposes aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county, such sums as may be necessary, not exceeding, in the aggregate, three hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on the face the words, Norfolk County District Court House Loan, Act of 1937. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than five years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. Section three of said chapter one hundred is hereby amended by inserting after the word "issue" in the second line the words: — and sell at public or private sale, — and by striking out all after the word "notes" in the ninth line and inserting in place thereof the words: — may be sold at such discount as the commissioners may deem proper, the discount to be treated as interest paid in advance, and all such notes shall be paid from the proceeds of such serial bonds or notes, — so as to read as follows: —

Section 3. The county treasurer, with the approval of the county commissioners, may issue and sell at public or private sale temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes may be sold at such discount as the commissioners may deem proper, the discount to be treated as interest paid in advance, and all such notes shall be paid from the proceeds of such serial bonds or notes.

SECTION 3. This act shall take full effect upon its acceptance during the current year by the county commissioners of Norfolk county, but not otherwise.

Approved March 22, 1938.

Chap.131 AN ACT REPEALING CERTAIN PROVISIONS OF LAW WHICH EXEMPT THE HOLYOKE WATER POWER COMPANY FROM MAINTAINING A FISH WAY IN THE DAM ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND SOUTH HADLEY.

Be it enacted, etc., as follows:

Chapter one hundred and nine of the acts of eighteen hundred and ninety-five is hereby repealed.

Approved March 22, 1938.

Chap.132 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE CITY OF MARLBOROUGH UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the city of Marlborough shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to the appointment and removal of permanent members of police departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations, but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted to the voters of said city at the biennial state election in the current year, in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the Placing of the Office of Chief of Police of the City of Marlborough under the Civil Service Laws', be accepted?" If the majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 22, 1938.

AN ACT TENDING TO PREVENT MULTIPLICITY OF PROPOSALS Chap. 133
FOR THE SAME CHANGE IN ZONING ORDINANCES OR BY-
LAWS OR IN THEIR APPLICATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter forty of the General Laws is hereby amended by inserting after section twenty-seven, as appearing in section one of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-three, the following new section: — *Section 27A.* After acceptance of this section as provided in section four of chapter four, no proposed ordinance or by-law making a change in any such existing ordinance or by-law, which has been unfavorably acted upon by a city council or town meeting, shall be considered on its merits by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board or selectmen required by section twenty-seven.

G. L. (Ter. Ed.), 40, new section 27A, added.

Limitation on the adoption of certain ordinances.

SECTION 2. Said chapter forty is hereby further amended by striking out section thirty A, as appearing in said section one of said chapter two hundred and sixty-nine, and inserting in place thereof the two following new sections: — *Section 30A.* After acceptance of this section as provided in section four of chapter four, no appeal or petition under paragraph 3 of section thirty for a variance from the terms of such an ordinance or by-law with respect to a particular parcel of land, and no application under section thirty for a special exception to the terms of any such ordinance or by-law, which has been unfavorably acted upon by the board of appeals shall be considered on its merits by said board within two years after the date of such unfavorable action except with the consent of all the members of the planning board, or of the board of selectmen in a town having no planning board.

G. L. (Ter. Ed.), 40, § 30A, etc., amended, § 30B, added.

Limitation of appeals, etc.

Section 30B. The superior court shall have jurisdiction in equity to enforce the provisions of sections twenty-five to thirty A, inclusive, and any ordinances or by-laws made thereunder, and may restrain by injunction violations thereof.

Enforcement by injunction.

Approved March 22, 1938.

*Chap.*134 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF DUKES COUNTY TO EXPEND MONEY FOR THE PURPOSE OF PROMOTING THE RECREATIONAL ADVANTAGES OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Dukes county may, for the purpose of advertising the recreational advantages of said county and for operating information booths in said county, expend such sums, not exceeding five thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the purposes aforesaid. In addition to expenditures for operating information booths, said commissioners shall expend such sums only for advertising in newspapers, magazines and the like, or for booklets, posters or other forms of advertising. In carrying out the provisions of this act, said commissioners may designate an agent or agents to act for them or to act jointly with them; provided, that all bills incurred shall be accompanied by proper vouchers and shall be paid by the county treasurer only on warrants approved by the county commissioners or a majority of them. Appropriations for the purposes of this act shall be included in the county tax, except that the town of Gosnold shall not be assessed for any part thereof in the assessment of the county tax.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise.

Approved March 22, 1938.

*Chap.*135 AN ACT CONFIRMING THE MERGER OF PIEDMONT CONGREGATIONAL CHURCH IN WORCESTER AND UNION CONGREGATIONAL CHURCH IN WORCESTER WITH CHESTNUT STREET CONGREGATIONAL CHURCH IN WORCESTER.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The merger of Piedmont Congregational Church in Worcester and Union Congregational Church in Worcester, corporations established under the laws of the commonwealth, with Chestnut Street Congregational Church in Worcester, a corporation so established, and formerly called Plymouth Congregational Church in Worcester, and any conveyance of property to said Chestnut Street Con-

gregational Church in Worcester, executed in connection with such merger, in so far as the same may be invalid for want of legal authority to effect such merger, are hereby validated and confirmed, and said Chestnut Street Congregational Church in Worcester shall in all respects be a continuance of, and the lawful successor to, said Piedmont Congregational Church in Worcester, and Union Congregational Church in Worcester, with all the privileges, powers and immunities to which other religious corporations in this commonwealth are by law entitled.

SECTION 2. All bequests, devises, conveyances and gifts heretofore or hereafter made to any of said corporations, however described, and all the powers and privileges thereof, shall vest in said Chestnut Street Congregational Church in Worcester, and all trusts heretofore or hereafter vested in any of said corporations shall be preserved inviolate, and all powers relating to such trusts shall have full force and effect in said Chestnut Street Congregational Church in Worcester, in so far as such authority and right may be granted by statute.

Approved March 24, 1938.

AN ACT TO PROVIDE FOR INVESTIGATION BY STATE POLICE, LOCAL POLICE AND PROBATION OFFICERS IN PROCEEDINGS IN THE PROBATE COURTS FOR SEPARATE SUPPORT. Chap.136

Be it enacted, etc., as follows:

Section thirty-two of chapter two hundred and nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence:— Upon request by the court, state police, local police or probation officers shall make an investigation in relation to any proceedings hereunder and report to the court. Every such report shall be in writing and shall become part of the records of such proceedings.

G. L. (Ter. Ed.), 209, § 32, amended.

Police to file reports in separate support actions.

Approved March 24, 1938.

AN ACT AUTHORIZING THE TOWN OF CLINTON TO PAY AN ANNUITY TO CATHERINE O'TOOLE. Chap.137

Be it enacted, etc., as follows:

SECTION 1. For the purposes of discharging its moral obligation in the premises and of promoting the public good, the town of Clinton may pay an annuity of not exceeding one thousand dollars to Catherine O'Toole of said Clinton, widow of George O'Toole, who was killed while in the performance of his duties as an employee of said town; said annuity to continue during the lifetime of said Catherine O'Toole unless she remarries.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of the town of Clinton voting thereon at an annual town meeting.

Approved March 24, 1938.

Chap.138 AN ACT PROVIDING FOR ADDITIONAL IMPROVEMENTS AT THE
BARNSTABLE COUNTY SANATORIUM.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county are hereby authorized to raise and expend a sum not exceeding seventy-five thousand dollars for the purpose of constructing, originally furnishing and equipping an addition to the present hospital building at the Barnstable county sanatorium, or a separate hospital building near or adjacent thereto, and for the additional purposes of constructing, originally furnishing and equipping a building for nurses' quarters, and the construction of a garage or garage facilities, at said sanatorium.

SECTION 2. For the purpose of meeting the expenses authorized under section one, the county treasurer, with the approval of the county commissioners, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, seventy-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Barnstable County Sanatorium Loan, Act of 1938. All bonds and notes issued hereunder shall be payable in ten years from the date of the first bond or note so issued, and section thirty-seven A of chapter thirty-five of the General Laws, as amended, shall apply thereto. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper but not for less than their par value.

SECTION 3. The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, and may renew the same; but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 4. This act shall take full effect upon its acceptance during the current year by the county commissioners of Barnstable county, but not otherwise.

Approved March 24, 1938.

Chap.139 AN ACT RELATIVE TO THE POWERS OF THE BOSTON DISPENSARY.

Be it enacted, etc., as follows:

The Boston Dispensary, a charitable corporation duly incorporated by an act approved February twenty-sixth, eighteen hundred and one, is hereby authorized, for its corporate purposes, to hold at any one time as owner or in

trust, real and personal estate to the value of six million dollars, whether formerly or hereafter acquired by purchase, gift, devise or other lawful means, and to manage, sell, mortgage, lease or otherwise dispose of the same and to receive and employ the income therefrom, subject to any lawful restrictions imposed thereon; and in continuation of and in addition to the powers heretofore granted, it shall have authority to build, equip, maintain and operate a diagnostic hospital, including accommodations for private patients, and also to carry on all other services to be rendered by the corporation, for the benefit of any persons deemed by it worthy, whether or not inhabitants of the city of Boston and including persons who pay in part or in whole for services received; provided, that any income so derived is devoted to the purposes of the corporation.

Approved March 24, 1938.

AN ACT RELATIVE TO THE EMISSION OF SMOKE FROM A CERTAIN CLASS OF STACKS IN THE METROPOLITAN SMOKE ABATEMENT DISTRICT. Chap.140

Be it enacted, etc., as follows:

Section two of chapter six hundred and fifty-one of the acts of nineteen hundred and ten, as amended by section one of chapter fifty of the General Acts of nineteen hundred and fifteen, is hereby further amended by striking out, in the fourth, fifth and sixth lines, the words "or of a degree equal to No. 3 of the chart or greater, for more than three minutes in any one hour from stacks of Class II" and inserting in place thereof the words:—or of a degree equal to No. 2 of the chart or greater, for more than six minutes in any one hour, but not exceeding during said six minutes a degree equal to No. 3 of the chart or greater, for more than three minutes from stacks of Class II, — so that the first paragraph will read as follows:— The emission of smoke of a degree of darkness or density equal to No. 2 of the chart or greater, for more than six minutes in any one hour from stacks of Class I; or of a degree equal to No. 2 of the chart or greater, for more than six minutes in any one hour, but not exceeding during said six minutes a degree equal to No. 3 of the chart or greater, for more than three minutes from stacks of Class II; or of a degree equal to No. 2 of the chart or greater, for more than twenty-five minutes in any one hour, but not exceeding during said twenty-five minutes a degree equal to No. 3 of the chart or greater for more than five minutes from stacks of Class III; or of a degree equal to No. 3 of the chart or greater for more than three minutes in any one hour from stacks of Class IV; for more than five minutes in any one hour from stacks of Class V; and for more than twenty seconds in any one period of five minutes from stacks of Class VI, is hereby prohibited.

Approved March 24, 1938.

Chap.141 AN ACT PROVIDING FOR THE REINSTATEMENT OF PATRICK J. O'ROURKE IN THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The police commissioner for the city of Boston is hereby authorized and directed to reinstate Patrick J. O'Rourke in the police department of said city. Said O'Rourke shall be reinstated without examination in the position and grade formerly held by him in said department.

SECTION 2. This act shall take effect upon its acceptance during the current year, by vote of the city council of said city, subject to the provisions of its charter.

Approved March 24, 1938.

Chap.142 AN ACT AUTHORIZING CITIES AND TOWNS TO APPROPRIATE MONEY FOR STOCKING INLAND WATERS THEREIN WITH FISH AND FOR LIBERATING GAME THEREIN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 40, § 5, etc., amended.

SECTION 1. Section five of chapter forty of the General Laws is hereby amended by adding after clause (40), inserted by chapter one hundred and eighty-five of the acts of nineteen hundred and thirty-seven, the following new clause:—

Municipal appropriations for stocking ponds, etc.

(41) For the purpose of stocking ponds and other inland waters, located within the town limits, with fish and of liberating game, as defined in section one of chapter one hundred and twenty-nine A, within said limits and to meet necessary expenses incidental thereto, including the feeding of game so liberated, a sum not to exceed five hundred dollars. Two or more towns bordering upon the same pond or other inland waters may join in stocking the same hereunder. The stocking of waters with fish and the liberation of game hereunder shall be subject to the written approval of the director of the division of fisheries and game of the department of conservation.

Repeal.

SECTION 2. Chapter eighteen of the acts of nineteen hundred and thirty-seven is hereby repealed; but such repeal shall not be deemed to affect the legality of any vote to appropriate money under authority of said chapter eighteen prior to the effective date of this act, or of any lawful act done under authority of such vote.

Approved March 24, 1938.

Chap.143 AN ACT AUTHORIZING THE SALE AND TRANSPORTATION OF DRESSED POULTRY ON THE LORD'S DAY IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 136, § 6, etc., amended.

The fourth paragraph of section six of chapter one hundred and thirty-six of the General Laws, as appearing in section six of chapter three hundred and seventy-three of the

acts of nineteen hundred and thirty-four, is hereby amended by inserting after the word "fuel" in the fifth line the words: — ; the sale at wholesale of dressed poultry, and the transportation of such poultry so sold, on the Lord's day next preceding Thanksgiving day, and on the Lord's day next preceding Christmas day except when Christmas day occurs on Saturday, the Lord's day or Monday, — so as to read as follows:—

Nor shall it prohibit the preparation, printing and publication of newspapers, or the sale and delivery thereof; the wholesale or retail sale and delivery of milk, or the transportation thereof, or the delivery of frozen desserts and/or ice cream mix, or the retail sale of ice or of fuel; the sale at wholesale of dressed poultry, and the transportation of such poultry so sold, on the Lord's day next preceding Thanksgiving day, and on the Lord's day next preceding Christmas day except when Christmas day occurs on Saturday, the Lord's day or Monday; the making of butter and cheese; the keeping open of public bath houses; the making or selling by bakers or their employees, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon, of bread or other food usually dealt in by them; whenever Rosh Hashonah, or the Day of Atonement, begins on the Lord's day, the retail sale and delivery of fish, fruit and vegetables before twelve o'clock noon of that day; the selling or delivering of kosher meat by any person who, according to his religious belief, observes Saturday as the Lord's day by closing his place of business during the day until six o'clock in the afternoon or the keeping open of his shop on the Lord's day for the sale of kosher meat between the hours of six o'clock and ten o'clock in the forenoon.

Sale of dressed poultry on the Lord's day.

Approved March 24, 1938.

AN ACT MAKING CERTAIN ENDLESS CHAIN TRANSACTIONS
SUBJECT TO THE LAWS RELATIVE TO LOTTERIES.

Chap. 144

Be it enacted, etc., as follows:

Chapter two hundred and seventy-one of the General Laws is hereby amended by inserting after section six, as appearing in the Tercentenary Edition, the following new section:— *Section 6A.* Whoever sets up or promotes a plan by which goods or anything of value is sold to a person for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one or more persons likewise to join in the said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and shall be punished as provided in

G. L. (Ter. Ed.), 271.
new section
6A, added.

Endless chain transactions prohibited.

section seven. The supreme judicial court shall have jurisdiction in equity upon a petition filed by the attorney general to enjoin the further prosecution of any such plan and to appoint receivers to secure and distribute the assets received thereunder.

Approved March 24, 1938.

Chap.145 AN ACT PROVIDING FOR THE USE OF THE RECORDS OF THE BOARD OF PROBATION BY A COURT OR MAGISTRATE IN SENTENCING PERSONS FOUND GUILTY OF OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 24, etc., amended.

Records of board of probation available in certain cases.

Paragraph (1) (a) of section twenty-four of chapter ninety of the General Laws, as appearing in section one of chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-six, is hereby amended by inserting after the word "registrar" in the tenth line the words: — or of the board of probation, or of both said offices, — so as to read as follows: — (1) (a) Whoever upon any way or in any place to which the public has a right of access operates a motor vehicle while under the influence of intoxicating liquor shall be punished by a fine of not less than thirty-five nor more than one thousand dollars, or by imprisonment for not less than two weeks nor more than two years, or both. A court or magistrate, before imposing sentence upon a person found guilty of a violation of this paragraph shall ascertain by inquiry of the office of the registrar or of the board of probation, or of both said offices, what records or other information said office has tending to show that said person has been convicted of a like offence by a court or magistrate of the commonwealth within a period of six years immediately preceding the commission of the offence with which he is charged.

Approved March 24, 1938.

Chap.146 AN ACT RELATIVE TO THE SUSPENSION OF LICENSES TO OPERATE MOTOR VEHICLES IN CASE OF FATAL ACCIDENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 29, etc., amended.

Suspension of licenses.

Section twenty-nine of chapter ninety of the General Laws, as most recently amended by chapter three hundred and ninety-one of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out the last two sentences, as appearing in section one of chapter four hundred and seventy-seven of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — Whenever the death of any person results from any such accident, the registrar shall suspend forthwith the license of the person operating the motor vehicle involved in said accident and shall order the said license to be delivered to him, unless a preliminary investigation indicates that the operator may not have been at fault; and the registrar shall

revoke the same unless, upon investigation and after a hearing, he determines that the accident occurred without serious fault upon the part of the operator of such motor vehicle, and shall order the said license to be delivered to him if not already delivered as aforesaid. No operator whose license is revoked under this section shall be licensed again within six months after the date of the suspension, or the date of the revocation if it was not suspended prior to the revocation, nor thereafter except in the discretion of the registrar; provided, that the foregoing shall not be construed to authorize the exercise of such discretion contrary to any provision of section twenty-four.

Approved March 24, 1938.

AN ACT TO AUTHORIZE THE ACQUISITION BY BUZZARDS BAY GAS COMPANY OF THE PROPERTY AND FRANCHISES OF BARNSTABLE COUNTY GAS COMPANY OR THE CONSOLIDATION OF SAID COMPANIES.

Chap.147

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Buzzards Bay Gas Company is hereby authorized and empowered to purchase and acquire the property and franchises of or to consolidate with Barnstable County Gas Company, and said Barnstable County Gas Company is hereby authorized and empowered to sell and convey its property and franchises to or to consolidate with said Buzzards Bay Gas Company, but such purchase and sale or consolidation shall not be valid or binding until the terms thereof have been approved, at meetings called therefor, by a vote of at least two thirds in interest of the stockholders of each of said companies, and until the department of public utilities after notice and a public hearing has determined that the facilities for furnishing and distributing gas will not thereby be diminished and that such purchase and sale or consolidation and the terms thereof are consistent with the public interest.

Approved March 29, 1938.

AN ACT DISSOLVING CERTAIN CORPORATIONS.

Chap.148

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Such of the following named corporations as are not already legally dissolved are hereby dissolved, subject to the provisions of sections fifty-one, fifty-two and

fifty-six of chapter one hundred and fifty-five of the General Laws: —

A. A. Klauer Co., Inc., A. A. Morris, Inc., A and A Realty, Inc., A. and J. Shoe Repair Corporation, A. B. Wachlin, Inc., A. C. Richards Company, Incorporated, A. D. Fontaine, Inc., A. Durso Company, Inc., The, A. E. O'Toole Company Inc., A. F. Gordon Inc., A. F. Leonard & Son Inc., A. J. Leard Company, A. L. Richardson & Bro., Inc., A. M. Chapel Machine Company, A. M. Samour Mfg. Co., Inc., A. N. Hederstedt, Inc., A. Shepherdson, Inc., A. Susi & Co. Inc., A. W. Brownell Corporation, Abbott & Arnold, Inc., Abell Manufacturing Company, Abington Factories Inc., Academy Pictures Corporation of New England, Ace Transportation Co., Acme Amusement Enterprises, Inc., Acme Electric Manufacturing Co., Acme Fruit & Vegetable Company, Inc., Acme Road Machinery Company of Massachusetts, Adams Company, Inc., Adams-White Brush Company, Adelphi Contracting Corporation, Adelson's Market, Inc., Adolph M. Schwarz, Inc., Advance Trailer Service of Massachusetts, Inc., Advance Wood Heel Co., Aetna Petroleum Sales, Inc., Air Conditioning Publications Inc., Aircraft Development, Inc., Albany Filling Station, Inc., Aldrich Clothing Company, Alec DiGregorio Co., Alexander Moore Inc., Alfred Brigham Company, Alfred E. Haines Company, Alger E. Eaton & Sons, Inc., Alkon Bros. Co., Allen-Drew Company, Allen Payson Co., Allen Plumbing Supply Company, Inc., Allman and Olins, Inc., Al's Food Shop, Inc., American Associates, Inc., American Beef Co., Inc., American Coal & Coke Co. of Worcester, American Construction Co., American Film Exchange, Inc., American Innersole Co. Inc., American Optical Company of Argentina, American Specialties Corporation, Amherst Manufacturing Company, Amileo, Inc., Andrew F. Leatherbee & Co. Inc., Andrews and Ollman Inc., Andrews Milk Company, Inc., Androscoggin Pulp Company, Anlof's Transportation Co. Inc., Anna E. Cuenin Shop Inc., Annisquam Associates, Inc., Anthony & Co. Inc., Appleton Realty Company, Appleton Store, Inc., The, Araho Stables Inc., Arborview Pharmacy, Inc., Arcade Super-Stores, Inc., Arden Box Toe Company, Arjah, Inc., Arlington Laundry Inc., Armalee Shoe Co., Arms Manufacturing Company, The, Armstrong & Ripley Incorporated, Arnold Print Works, Inc., Arrow-Puritan Sportswear Company, The, Arthur L. Brown, Inc., Artvelope Corporation, Arvedon Brothers, Inc., Ashland Shoe Company, Assembled Notions Co., Associated Buyers Corporation, Associated Realty Co. of Springfield, Assured Equities, Incorporated, Athan Dritsas Shoe Company, Inc., Atlantic Beer & Wine Company, Atlantic Investments, Inc., Atlantic Leather Corporation, Atlas News Company, Atlas Utilities Corporation, Atlas Wall Paper & Paint Company, Aubry's Bakery, Incorporated, Auburn Excavating Co., Inc., Auto Radio Service Incor-

porated, Automobile Commission Sales Company, Avery-Woodbury Corporation, Ayer Ski Club, Inc.

B. A. Corbin & Son Company, B. & C. Laundries, Inc., B & H Motor Transportation Co., Inc., B. F. Construction Co. Inc., B. J. Fitzgerald, Inc., B. L. B. Bus Company, B. Z. Markets, Inc., Babbitt St. Pharmacy, Inc., Bacon Wood Heel Company, Baded Corporation, The, Bailey & Blending Manufacturing Company, Bailis Knitting Mills, Inc., Baker & Kimball, Inc., Baker Enterprises, Inc., Baker Yacht Basin, Inc., Balloon Heels Incorporated, Balmer Realty Corp., Balmoral Associates, Inc., Baltimore Club Distilling Co. of New England, Bancroft Clothes, Inc., Bancroft Steel Co., Inc., Bankers Realty Company, Banner Shoemakers Inc., Bar, Inc., The, Barden Cream & Milk Co., Barron and Seigel, Inc., Barron's Market, Inc., Barsalou's Market Inc., Bay State Commercial Company, The, Bay State Japanning Company, Bay State Leather Co. Inc., Bay State Market, Inc., Worcester, Bay State Products, Inc., Bay State Road Company, Inc., Bay View Lunch Cart Company, Inc., Beach Restaurants, Inc., Beacon Acceptance Corporation, Beacon Restaurant & Grill, Inc., Beacon Service, Inc., Beacon Sport Wear & Uniform Company, Beaumont Pictures, Inc. of N. E., Beccia's Golden Rule Company, Incorporated, Beckwith Manufacturing Company, Bedford Painting and Decorating Company, Bedford Realty Corporation, Bedford Textile Company Inc., Belknap & Paine, Inc., Bell Building, Incorporated, The, Belleville Shoe Manufacturers, Inc., Bellhy Realty Co., Belliveau Tavern, Inc., Belting & Leather Products Association, Inc., Bennie's Delicatessen, Inc., Bent's Laundry, Incorporated, Berkley & Gage Furniture Company, Berkshire Airways, Inc., Berkshire Construction Company, Berkshire Paper Co., Berman Radio Company, Inc., Berry & Withington, Inc., Besse Block of Brockton, Inc., Bethlehem Knitting Mills, Inc., Better-Made Millinery Corp., Betty Alden, Inc., Betty Lees, Inc., Beulah Investment Corporation, Beverage Dispensing Apparatus Corporation, Beverly's Furriers Corp. (4-11-35), Beverly's Furriers Corp. (4-22-35), Big Bear Liquor Mart, Inc., Bilt-Well Heel Company, Binder & Kaplan Dress Co., Bird Floor Covering Sales Corporation, Bittinger Publishing Company, Black & White Beauty Shop and Knitting Alcove, Inc., Blank and Pamphlet Binding Company, The, Blue Goose Restaurant, Inc., Blue Hill Laundry, Inc., Bluine Manufacturing Company, Bonded Liquor Sales Corporation, Boston Airport Corporation, Boston Beauty Supply Dealers Association, Incorporated, Boston Brazing and Welding Company, Boston Casing Company, Inc., Boston Clothing Shop Co., Boston Coat Manufacturing Co., Boston Coke Company, Boston Dental Laboratory Company, Boston Dwelling House Company, Boston Equipment Company, Boston Filter Company, Boston Fresh Tripe Company, Boston Furniture

Market, Inc., Boston Mortgage and Loan Corporation, Boston-Okanogan Apple Company, Boston Portrait Company Inc., Boston Sawdust Company, Inc., Boston Structural Steel Company, Boston Transit Mixers Inc., Boston Upholstery Trimming Co., Boston Wall Paper House, Incorporated, Boston Wholesale Radio, Inc., Bouvier Laboratories Inc., Bowdoin Five and Ten Cents to a Dollar Store, Inc., Bowen Motors Inc., Bowler Brewing Company, Bowler Tadcaster Brewing Corporation Limited, The, Bowles-Agawam Airport, Inc., Boylston Coat Company, Boylston Dairies, Inc., Boylston Dental Laboratory Company, Bozart Corporation, Bradley Bldg. Spa, Inc., Braemore Hosiery Company, Braintree Rubber Cement Co., Brezco Tanning Company Inc., The, Bridge Tables, Inc., Bridgewater Polish Co-operative Grocery Co., The, Brigham Pharmacy, Inc., Brighton Auto Accessories Co., Inc., Brighton Building Co. Inc., Brighton Realty Company, Briscoe's Motor Express, Inc., Broadway Spa, Inc., Broadway Wood Heel Company, Brockton Amusement Co., Brockton Shirt Corporation, Brody Bros. Inc., Bromfield Finance Corporation, Brookline Corporation, Brooklyn Corporation, The, Brookside Garage, Inc., Brown Counter Company, Inc., Brownell & Company, Inc., Browns Funeral Service, Inc., Brown's Motor Express, Inc., Brunswick Hotel, Inc., The, Brush & Livingstone, Incorporated, Builders Loan Association of Fall River, Inc., Burden Brook Cranberry Company, Burke's Package Store, Inc., Burk's Shoe Store, Inc., Burtman-Rondeau Co., Busconi Oil Company, Inc., Bushway Ice Cream Co., Bus-sell Supply Company, Buy American League, Incorporated, Byers Realty Co.

C. A. Marsh & Company, Inc., C. F. Green and Sons, Inc., C. F. Pritchard, Inc., C. G. Howes Company (1912), C. H. Sprague & Son, Inc., C. M. Riley Company, C. O. Nordling, Incorporated, C. S. Hathaway & Sons Laboratories Inc., The, C Street Grill, Inc., Cabot Cleansing Co., Inc., Caldwell Wallace Co. Inc., Call Beck Inc., Call's Pharmacy Inc., Cambridge Garage, Inc., Cambridge Olympia Realty Co., Cambridge Rubber Sales Corporation, Camden Upholstering Company, Camille, Inc., Camp Brunonia, Inc., Campbell Electric Mfg. Company, Inc., Cannon Chair Company, Cannon Shoe Company, Canteen, Inc., The, Canterbury Development Corporation, Cape Cod Cranberry Distributors, Incorporated, Cape Tire Company, Inc., Capitol Furniture Company, Capitol Market, Inc., Captain Wright Cigarette, Inc., Caracasis & Colander, Inc., Caravan Coffee Co., Inc., Carl A. Peterson, Inc., Carl Freudenberg, Inc., Carl Olson & Sons, Incorporated, Carl P. Peterson Company, Carlstrom Bus Lines, Incorporated, Carlton Russell Bridge Features, Inc., Carlton Wine & Liquor Co., Inc., Carney Uniform Co. Inc., Carpignano Workingmen's Finance Co. Inc., Carrier-Boston, Inc., Carrier-Call Sales Corp. of Boston, Carter Toplift Company, Casa-Loma, Inc., Casgros, Inc., Cashaid Inc., Casino Vendome, Inc., Castle

Realty Corporation, Catania Importing Co. Inc., Cavraud Corp., Central Coal Company, Central Properties, Inc., Central Square Auto Parts Co., Inc., Central Square Package Store, Inc., Centre Drug Company, Centre Meat Market, Inc., Centre Pharmacy of Jamaica Plain, Inc., Century Film Corp., Century Motors Inc., Century Pictures Distributing Co. Inc., Cerago's, Incorporated, Cestus Food Products Co., Chadbourne-Walker Machine Screw Company, Chadwick & Carr Refrigerator Corporation, Chadwick Construction Co., Chainbilt Inc., Chamberlain, O'Brien Co., Inc., Chandler Oil Cloth Company, Channel Shoe Press Company, Charak Chemical Company, Charles A. Malley, Inc., Charles C. E. Harris Co., Inc., Charles E. Gibson Company, The, Charles E. Grant Company, Charles E. Smith Company, Charles E. Stanwood & Sons, Inc., Charles Hunt Company, Incorporated, Charles R. Knight, Inc., Charles-town Theatre Co., Chauncy Woolen Company, Chelmsford Shoe Co., Chemical Research Laboratories, Inc., Chessman and Donato Corporation, Chicopee Hat Shoppe, Inc., Chicopee Neckwear Mfg. Co., Inc., Chilton Company, The, Cities Service Refining Company, City Glass Company, Inc., City Hall Drug Company, Inc., City Theatre Building, Inc., Clarence Durant, Inc., Clarence H. Burnham, Inc., Clarence H. Spike, Inc., Clarite Laboratories, Inc., Clark-Wright Inc., Clearing House Investment Corporation, Clearing House of New England, Inc., Clearing House Securities Corporation, Clement Textile Co., Clifford E. Peterson, Inc., Clifton Cafeteria, Inc., Codman Square Theatre Co., Cole Realty Corporation, Coleman Bros., Incorporated, Coleman Corporation, College Throwsters of Haydenville, Inc., Collins & Quinlan, Inc., Colonial Adjustment Bureau, Inc., Colonial Hat Co., Colonial Holding Corp., Colonial Publishing Company, Inc., Colonial Restaurant Inc., Colonial Shoe Makers Inc., Columbia Construction Corp., Columbia Spa Inc., Columbus Associates of Gloucester, Inc., Combined Realties and Finance Corporation, Commercial Discount Corporation, Commercial Fabric Imitation Reed Corporation, Commercial Filters Corporation (1934), Commercial Fruit Company Inc. of Worcester, Commercial Motors Corp., Commercial Reed & Rattan Corporation, Commonwealth Construction Co., Inc., Commonwealth Distributing Corporation, Commonwealth Loan & Discount Corporation, Commonwealth Protective Safety Co., Commonwealth Refrigeration Co., Commonwealth Transfer and Registrar Company, Commonwealth Whiskey Corporation, Community Distributors, Inc., Community Service Wet Wash Inc., Conaway Company, Inc., Conley General Construction Co., The, Conservatory Pharmacy, Inc., Continental Extracts Corporation (of Massachusetts), Converters Incorporated, Coolidge Corner Market, Inc., Co-operative Homemakers, Inc., Cooperative Restaurants, Inc., Coote Inc., Copley Square Pharmacy, Inc., Corporation Trust, Incorporated, The, Correctaire Corp., Corrington,

Inc., Cotuit Cranberry Company, Coulter & Weiner, Inc., Craftex Company, Crawford & Pulsifer, Inc., Crawford Meat Market, Inc., Crawford's Inc. of Philadelphia, Cream Company, Creamery Lunch, Inc., Credit Center Incorporated, Creditors National Clearing House, Inc., The, Cross-Dick Corporation, Crosby Carton Co., Inc., Cross Drug Co., Crossman's Hardware Co., Crown Amusement Company, Cummings & Pearson, Inc., Curtain Manufacturing Outlet Co., Curtain Shoppe, Incorporated of Lawrence, The, Curtis & Callahan Co., Cusher Shoe Co. Inc., Cushing Refrigeration Manufacturing Company, Cutter Shoe Co. Inc., The.

D & B Sales Corporation of New England, D & D Construction Co., Inc., D. E. Burbank Inc., D. H. Reid Co., Inc., D. K. Carpenter Corporation, The, D. T. Cass Incorporated, D-V-M Contracting Co., Inc., Dana Hill Market, Inc., Daniel D. Dacey Co., Daniel J. O'Neil Co., Dart Realty Corporation, Davenport Studios, Inc., The, Daves Furniture, Inc., David H. Murphy and Sons Company, Davidson Press, Inc., The, Davis, Alberts Co., Inc., Dawn, Inc., The, De Luxe Pocket Umbrella Inc., DeMallie and Brescia, Inc., Dedham Community Theatre, Inc., Delisco Corporation Limited, Demetra Shoe Company, Inc., Dennis & Company Inc., Derby Racer Corporation, Design Process Company, Devonshire Dairies, Inc., Devonshire Finance and Investment Corporation, Devonshire Realty Company, Dewey Radio Distributing Co., Dewey Shoe Co., Diadem Manufacturing Company, Dial Shoe Company, Inc., Dickson-Miller Co., Diehl & Putnam, Incorporated, Dietz Kid Inc., Directors Realty Corporation, Discograph Company, The, Discograph, Inc., Doane, Beal & Ames, Inc., Dockam's Animal Farm, Inc., Dr. McKnight Dentists Inc., Dr. Swett Root Beer, Inc., Donald D. Snyder, Inc., Donnelly Manufacturing Company, Donovan & Lutes, Inc., Dorchester Plumbing Co., Dorco, Inc., Dorothy McElwain, Inc., Douglas Realty & Loan Company, Incorporated, Dowd Furniture Co., Inc. (1932), Down East Lines, Inc., Doyle Brothers Incorporated, Dudley Milling Co., Dump Truck Service Corporation, Duncan Fuel Co., Inc., Duncanson & Sullivan Inc., Dunn Inc., Duo-Vent Window Co., Durable Finish Corp., Dutan Laboratories, Incorporated, Dutton's, Inc., Dvorak Bros., Inc.

E. A. McEachern, Inc., E. A. Whipple & Sons, Inc., E. Alessi Construction Corporation, E. C. Sargent, Inc., E. E. Nazzaro & Co., Inc., E. G. Wilson Company, Incorporated, E. O. Smith Company, E. S. Chase & Co., Inc., E. S. King Company, Eastern Body and Accessory Corporation, Eastern Coal Company, Eastern Dog Food Company, Eastern Engineering Corporation, Eastern Shipbuilding Corporation, Ecksol Sales Corporation, Economy Cut Rate Stores, Inc., Economy Plumbing Supply Co. Inc., Economy Sales Co., Incorporated, Edlen Dress Shoppes Inc., Edwin P. Leonard, Jr., Inc., Egleston Auto Sales Inc., Egleston Gardens Inc., Eichler Associates, Inc., Eichler Trust, Inc., 88 Birnie Ave.

Corp., Eisenberg's Inc., Elanbee Sales Company, Inc., Elbridge Nash Drug Company, Elbridge S. Young Company, Eli Afes Electric Shop, Inc., Elias, Jackson & Company Inc., Elk Silk Mills, Inc., Elliott & Company, Inc., Elliott, Davis & Company, Engineering Division, Inc., Ellis Cafeteria Inc., Ells-Galvin Corporation, Emerson & Whitney Co., Emil Seidel Co., Empire Beef & Provision Co., Empire Market, Inc., Empire Yeast Distributing Co., Inc., Encore Products Co. Inc., Epicure, Inc., The, Epstein's Shoe Shoppe, Inc., Erik E. Laurentz Inc., Essex County Racing Association, Inc., Essex Farms Products, Inc., Essex Leather Co., Inc., Essex Theatres Co., Evans & Foster Inc., Everett Transportation Company, Eyre & Company, Inc.

F. A. Howard Products, Inc., F. Chamèt, Inc., F. E. Slingerland, Inc., F. H. Jackman Co., F. T. Langford Company, F. T. Lord Polish Co., F. W. Lane, Incorporated, Fabian Supply Co., Inc., Fabric Fire Proofing Company, Falcool Theatrical Productions, Inc., Fall River Tire Company, Inc., Falmouth Casino, Inc., Falmouth Trust, Inc., Famous Lunch Inc., Farina-Chaves Shoe Co., Farmcrest Dairy, Inc., Farnsworth Transfer Co., The, Fashion Shoppe, Inc., The, Federal Displays Incorporated, Federal Oil Burner Corporation, The, Federal Refrigerator Corp. of Springfield, Federated Travel Agents, Inc., Feeding Hills Country Club, Incorporated, Felco Food Products Co., Fellsgate Manufacturing Company, Felt Craft Hat Co., Fenton's Inc., Fenway Land Co., Inc., Fenway Theatre Corp., Fibrex Broom Company, The, Fidler's, Inc., Field Motors, Inc., Fielding & Company Inc., Fifth Ave. Linen Shop, Inc., Fifty-four Auburn St., Incorporated, Fine Arts Guild, Inc., Fisheries Products Incorporated, Fisk Rubber Company, The, Fitzgerald Company, Flagg Oil Company, Flexotile Floor Company, Flint Shoe Co., Inc., Floyd Shoes, Inc., Foley Paper Company, Food Importing Corp., Forest Milling Co., Inc., Forrest B. Makechnie, Inc., Foster Orchards, Incorporated, Fowler Company, Framingham Motors Supply Co., Franco American Civic League Publishing Corporation, The, Franco Manufacturing Co., Inc., Frank A. Andrews Co., Inc., Frank A. Reccord, Inc., Frank Davis & Son, Inc., Frank L. Downey, Inc., Frank L. Newcomb Company, Frank Ross Company, Frank Shoe Manufacturing Co., Inc., Frank W. Whiteher Company, Franklin Airport Incorporated, Franklin Beef Co., Franklin Hats, Inc., Franklin Park Confectionery, Inc., Franklin Patent Co., Inc., Franklin Productions, Inc., Franklin Wallace Co., Inc., Fred Butterfield & Co., Inc., Fred E. Hall Company, Fred H. Bean Co., Fred R. Haight Inc., Freeman Motors, Inc., Freeman Tibbetts Co., Freeport Manufacturing Corporation, Freight Distributing Service, Inc., Frontera-Scola Vessels Co., Frostoff Co. of New England Inc., Frost's, Inc., Fuel Oil Saver Coil Company, Fuel Supply, Inc., Fuels & Air Conditioning, Inc., Fulton Beef & Provision Co. Inc., Funny Folks Co., Furniture Publications, Inc.

G. E. Rich, Inc., G H M Company, G. Rosse & Son, Inc., Gables Casino, Incorporated, Galen Pharmacal Co., Gardner Corporation, The, Gardner Creamery, Incorporated, Garfield Furniture Manufacturing Co., Inc., Garin Company, Inc., Garritt Motor Company, Inc., Gately Square Hardware and Radio Company, Gem Loan Company, General Automotive Products Company, General Business Corporation, General Chemical Products, Inc., General Foundation Company, General Lunch Shops, Inc., General Service Corporation, General Shaver Corporation, Geo. E. Damon Company Inc., George F. Watts Equipment Corporation, George Frost Company (1892), George L. Parker, Inc., George L. Weiss Company, George T. Fogg, Inc., George W. Johnston, Inc., George W. Nicoll Co., Inc., George W. Sprague Co., Inc., Geo. W. Wheelwright Paper Company, German Consumers Co-operative Company, The, Gilbert, Hurst Bakeries, Inc., Giles Bros. Inc., Gilman & Gordon Realty Co., Inc., Gilsart Tanning Company, Inc., Gimbel's Inc., Gladwin and Foss Company, Glendale Farm Milk Incorporated, Glendale Milk Products, Inc., Glenn O'Roak, Incorporated, Globe Cleansing Co. Inc., Globe Engineering & Machine Co., Globe Insulated Wire Company, Globe Silk Label Co. Inc., Gold Beach Placers, Inc., Gold Seal Oil & Supply Co., Goni & Morris Inc., Goodhue, Clapp & Co., Inc., Goodman Brothers Corporation, Goodman Novelty Company, Inc., Goodwear Cloak Co., Inc., Gordon Realty, Inc., Gorney, Inc., Gould Oil Burner Company, The, Gould Witch Hazel Company (1914), Granite Holding Company, Granite Shoe Co., Inc., Graroe Inc., Grattan Street Cash Market, Inc., Greater Boston Cleansers Inc., Green Trap Company Inc., Greenberg The Tailor, Inc., Greenough Construction Co., Greenwood-Shepherdson Co., Grenache & Surprenant, Incorporated, Greylock Hotel Corporation, The, Griffin Specialty Co., Inc., Grinnell Manufacturing Corporation, Grocers' Credit Bureau, Inc., Grotto Cafe, Inc., Grove Leather Company, Grow Motor Company, Guardian Financial Corporation, Gulf Stream Fish Co., Inc., Gunning Boiler and Machine Company, The, Guzelian Bros., Inc.

H. B. Keen, Inc., H. Churchill & Sons, Inc., H. Dawson & Co. Inc., H. E. Chefalo Company, H. E. Zahr, Inc., H. Hollander Co., Inc., H. J. Beals & Sons, Inc., H. L. Dakin Co., Inc., H. L. Frost & Higgins Company, H. M. Haley Electric Company, Inc., H. W. Peters & Co., Inc., H. W. Peters Corporation, H. Wolpert Shoe Co. Inc., Hacking Beauty Shops, Inc., Hairdressers' Supply & Equipment Co., Inc., Hale and Allen Inc., Haley Cate Rockwood Machine Co., Hamiltons Lunch, Inc., Hampshire Hardware Co., Inc., Hampshire Investors Incorporated, Harbor Oil Co. Inc., Harbor Shoe Manufacturing Company Inc., Hardwick Realty Corporation, Harold E. Morse, Inc., Harrington Hotel Corporation, Harris Avenue Realty Company, Harris Silk Hosiery Sales Corp., Harry Cohen Insurance Agency Inc., Harry E. Smith, Inc., Hartford Despatch Co., Inc.,

Hartwell Hartley, Inc., Harvard Chemicals, Inc., Harvard Mfg. Co., Inc., Harvard Students Telephone Directory, Inc., Haslam's Drug Store, Inc., Hawkes Plumbing & Heating Company, Hayes-O'Connor Company, Hayward, Inc., The, Hayward Place Restaurant, Inc., Hazelton-DeBevoise Inc., Hellenic Steinma Coffee Company, Inc., Helpern Glove Company, Inc., Henry L. Mulligan, Inc., Henry M. Nagel & Co., Inc., Henry Marx & Co., Inc., Henry P. Doe Company, Herbert Aucock Company Incorporated, Herbert Leather Co. Inc., Herbert S. Potter Company, Hermann & Zilch, Inc., Hersey Paper Lining Co., Hickey Shoes, Inc., High Street Garage Inc., High Street Press, Inc., Hill & Michie Real Estate Company, The, Hill's Garage, Inc., Hingham Laundry Co., Hodges Finishing Company, Holmberg and Arvidson, Inc., Holyoke Ice Company, The, Holyoke Mortgage Corporation, Home Finance Corporation, Home Improvement, Inc., Home Modernizing and Sales Corporation, Home Security Co., Homestead Company, The, Hoosac River Development Corporation, Hope Company, The, Horseneck Amusement Company, Hospital Pharmacy, Inc., Hospital Service Incorporated, Hotel Preston Operating Company, Hotel Rock-Mere, Inc., Houghs Neck Amusement Co. Inc., Howard Bargain Day Inc., Howard Manufacturing Company, Howe Shoe Co., Inc., Howland-Ricketson Motor Company, Inc., Howland Sons Company Incorporated, Hub Body Corporation, Hub Confectionery Co., Inc., Hub Plumbing & Heating Supply Corp., Hub Scrap Iron & Metal Co. Inc., Hugh P. Duffill Corporation, Hull-Ward, Inc., Hurley Shoe Stores Company, Hydro-Culture, Inc., Hygrade Auto Sales Inc., Hyland Realty Company, Hy's Workman Shop Inc.

I. Millman Sons Co., Ideal Leather Co., Ideal Neckwear Company, Ideal Shoe Co., Import Drug Co., Inar Johnson Motor Company, Independent Coat & Apron Supply Co., Inc., Independent Fireworks Manufacturing Company, Independent Holding Corporation, Indian Overall Mfg. Corp., Industrial Brush Company, Industrial Commodity Corporation, Industrial Finance Company, Industrial Loan and Investment Company, Innholders, Inc., Institute of Public Education, Inc., Insulating Products Company, Insurance Claims Adjusters, Inc., Insurance Premium Finance Corporation, Inter-City Electrical Co., Intercity Driving Association Inc., International Publishing Company, The, International Teleform & Transmission Corporation, International Waste Company, Interstate Ballrooms, Inc., Interstate Motor Sales Corporation, Investment & Equity Fund, Incorporated, Investors Associates, Inc., Investors Management Company, Isaac Locke Co., Israel Mindick & Company, Inc., Italian Association of Somerville, Inc.

J. A. Young & Co., Inc., J. C. Burke & Son, Incorporated, J. C. Dansak, Inc., J. C. Fraser & Sons Company, J. C. Munyan Co., J. D. Bornstein, Inc., J. Earnshaw Company, Inc., J. Edouard Demers Model Bakery, Inc., J. G. McCrory

Company, Massachusetts, J. Grossman Co., J. H. Rand Finance Corporation, J. H. Sullivan Company, J. J. Casey & Sons, Inc., J. J. Hernon Motors, Inc., J. L. Budington & Company, Incorporated, J. L. Shannon Manufacturing Company, J. P. Falt Co., J. Russell Barlow, Inc., J. W. Cook & Son Company, J. W. Hession, Inc., J. W. Stewart Co., Jack Frost, Inc., Jackson and Company (Inc.), Jamaica Pond Garage Company, James E. Getchell Company, Inc., James Hawley Company, James T. Corcoran Shoe Co., Jason Jewelry Company, Inc., Jay Bros., Inc., Jeandros Dye & Print Works, Inc., Jefferson Quality Market, Inc., Jobin Monument Co., Inc., John A. Cotter & Sons, Inc., John B. Finney Co., John B. White, Inc., John Deveney Co., Inc., John E. Ryan Co., John Gillooly, Inc., John H. Parker Company, John J. Morgan Advertising Agency, Inc., John M. Tobin, Incorporated, John Mutch Co., John P. Tracy, Inc., John W. Barlow Company, John W. Schaeffer & Co., Inc., Johnson and Kettell Company, Johnson Educator Biscuit Company, Johnson Educator Food Company, Jolly's Ice Cream, Inc., Jonas Shoe Company, Jordan Motor Lines Inc., Joseph DiCicco & Son, Inc., Joseph Massirman, Inc., Joseph Shwartzberg, Inc., Julius A. Glazier, Inc.

K. H. B. Corporation, K Stores Corporation, The, Kaden Coat Co. Inc., Kane Furniture Company of Brockton, Kane Furniture Company of Quincy, Kay Manufacturing Corp., Kaysam Development Corporation, Keenan Parking Grounds, Inc., Kelbay Corporation of Massachusetts, Kellogg's Inc., Kelly-Smith Lumber Co., Kempton Associates, Inc., Kenco Restaurants, Inc., Kenmore Auto Sales, Inc., Kenwood Distributing Company, Inc., Keystone Domestic and Importing Co., Inc., Keystone View Company of New England, Khoury Warp Stop Motion, Inc., Kilby Underwriters Insurance Agency, Inc., Kilmarnock Cafe, Inc., King Street Market, Inc., Kingman P. Cass, Inc. (1932), Kirby Company of New England, Klein-Farris Co., Kramer & Halpern, Inc., Kunin Shops, Inc.

L. A. Ryan Plumbing & Heating Co., Inc., L. B. Dudley Shoe Co., L. B. Southwick Company, The, L. C. Creamer Co., L. J. Glott Shoe Co., L. P. Greenberg, Inc., L. S. Brigham, Inc., L. S. V. Motor Company, Inc., The, L. Solomon & Son, Inc., LaFrance & Dupuis Company, Inc., La Marca Pastry & Baking Co. Inc., Lachance Inc., Laird & Company, Inc., Lane Manufacturing Company, Inc., Lastwell Shoe Company Inc., Lavin-O'Connell Counter Co., Lawrence Cleansing and Dyeing Company, Lawrence Ideal Shoe Co., Lawson Studio, Inc., The, LeBoeuf Novelty Company, Le Rendezvous Incorporated, Lea-Mac System, Inc., The, Leahy Coal and Supply Company, Lee Products Co., Inc., Leeman Bedding Co., Inc., Leen Shoe Stores, Inc., Lehrman Shoe Company, Lenox Hotel, Inc. of Springfield, Leominster Theatre Company, Leonard Shoe Company, Inc., Leonite Glass Company, Liberty Grocery Company,

Liberty Oil Company, Liberty Street Chevrolet Inc., Liberty Wall Paper and Paint Company, Incorporated, Lincoln Amusement Enterprises, Inc., Linwood Grill, Inc., Lion Beer Corporation of Massachusetts, Lisbon Spinning Company, Liss Department Store, Inc., Litchfield Shuttle Company, The, Little Harlem Inc., Little Pal's Cafe, Inc., The, Lladnarc Company, The, Lloyds Shoes, Inc., Locke Lumber Company, Lofchie Co., Longwood Corporation, Lord Shoe Co. Inc., Loren Realty Company, Inc., Louis A. Byrne Electrical Company Inc., Louis H. Werner Co., Louis Joseph Auction Galleries, Inc., The, Louise Van Everen Associates Inc., Loukas Realty Company, Lowell Acceptance Corporation, Lowell Shoe Company (1935), Lowell Shoe Workers Association, Inc., Lubron Company, The, Lucio's, Inc., Lucky Boy Suit Co., Ludlow-Georgia Bagging Company, Ludlow Sales Corporation, Lugal Clothing Co. Inc., Lungmotor Corporation, Lustrebright Company, Inc., Luxeair Sales Corp. of Mass., Lydon, Diem & Co., Incorporated, Lynn Chemical Company, Lynn Juvenile Shoe Co., Inc.

M. A. Campbell Co., M. & H. Kaden, Inc., M & M Paint & Wall Paper Co. Inc., M. & S. Transportation, Inc., The, M. H. Realty Corporation, M. M. Gould Co., M. Murmes Company Inc., "Mac" Arnold's Lobster Pound Incorporated, Mac Coughlan & Co., Inc., MacGregor Corporation, MacKay-Newcomb Company, MacNeil Bros. Company, Macullar, Son & Parker Company, Magee Furnace Company, Mahoney Laundry Machinery Company, Inc., Mahoney Laundry Machinery Corporation, Maier Bros., Inc., Maillard Vermin Exterminating Company, Main Auto Exchange, Inc., Majestic Investment Corporation, Majestic Pictures, Inc., Malden China Company, Inc., Malden Grinding and Welding Company, Malden Young Mens Realty Investment Corporation, Mallett's Market Inc., Mallon Mattress Company, Manchester Calculating Company, Mandell and Abrams, Inc., Mansfield Japanning Co., Inc., Manufacturing Engineers Corporation, Maple Butter Company, Inc., Maples, Inc., The, Maplewood Amusement Corporation, Marcia Rose, Inc., Marcy Coal Company, Inc., Margaret's Beauty Salon, Inc., Marine Fuel Corporation, Market Supply Company, Marlborough Times Publishing Company, Marshall L. Moulton, Inc., Martha's Vineyard Sand & Gravel Company, Martin Counter Co., Mary Campbell, Inc., Mason & Dube, Inc., Massachusetts Bay Steamship Co., Inc., Massachusetts Business Corporation, Massachusetts Coke and Iron Company, Massachusetts Coke and Manufacturing Company, Massachusetts Gas Companies, Massachusetts Gold Exchange, Inc., Massachusetts Hair & Felt Company, Massachusetts Liquor Publications, Inc., Massachusetts Motor Trucking & Garage Co., The, Massadent Company, Inc., The, Master Plumbers Supply Inc., Master Shoe Mfg. Co., Mathieu Tire and Battery Service Co., Inc., Maunsell Company Incorporated, Mau-

rice Sapers Company, Inc., Maurice Walker & Company, Inc., Max Avenue Corporation, Max Raphael Corporation, Mayflower Bakery, Inc., McCann Shoe Co., Inc., McCarthy Baking Company, Inc., McElwain Farm, Inc., McGaughey, Inc., McGoohan Motor Co., Inc., McIntire Pharmacy Inc., McLaughlin Marine & Oil Company, McManus Engineering Corporation, McRae & Keeler Company, McVitie & Price (U. S. A.) Inc., Mead-Morrison Sales Corporation, Meadows, Inc., The, Meditation Rosary Company, Incorporated, Medsom Beverages Company, Medway & Dedham Bus Lines, Incorporated, Meekins, Packard & Wheat Corp., Meekins, Packard and Wheat Inc., Megansett Lumber Company, Mehrmann's Rathskeller, Inc., Menotomy Hardware Co., Merchants Coffee Company, Inc., Merit Shoe Company of Athol, Merriam, Hall & Co., Inc., Merrimac Body Co., Merrimac Candy Company, Merrimack Clothing Co., Inc., Merrimack Hotel Company, Inc., Merrimack Shoe Manufacturing Company, Merrivale Company, Metallicoat Corporation of New England, Methuen Heel Finishing Co., Inc., Methuen Shoe Company, Metropolitan Employment Service, Inc., The, Metropolitan Theatre Company, Metropolitan Transportation Corporation, Metropolitan Vaudeville Exchange, Inc., Meyers Transportation Co., Mid-Town Hardware & Supply Co., Middle Mass. Chemical Company, The, Middlesex Chemical Corporation, Middlesex-Rutherford Garage Inc., Middlesex Sand and Gravel Co., Middlesex Tire & Battery Company, Inc., Mike, The Shoeman, Inc., Milford Hat Company, Inc., Millard Confectionery Corporation, The, Millcraft Shops Inc., Miller Golf Ball Company, Inc., Miller Made Dress Corporation, Miller-Malcolm Inc., Mills-Van Leeuwen, Inc., Minot Cleansers, Inc., Mitchell & Sutherland, Incorporated, Moderate Fur Co., Modern Baking Company, Inc., Modern Construction Company, Modern Improvement Co., Inc., Modern Nutrition Kitchen System, Incorporated, Mohegan Products Company, Monroe Bridge Paper Company, Montan Treating Company, Montgomery Navigation Company, The, Montgomery Placers Corporation, Moore Inventions Corporation, Morgan-Kingman-Lewis Co., Morin's Motor Transport, Incorporated, Morris Paint and Hardware Company, Inc., Morris Pike & Son, Inc., Morse & Molloy Shoe Company, Morse Last Company, Morton Wet Wash Co., Inc., Mosely and Maschin Incorporated, Munson-Whitaker Company, Murray Drug Co., Inc., Mystic Lake Realty Corporation, Mystic Tire & Battery Company, Inc., Mystic Valley Corporation.

N. E. Gaston Ice Cream Company, N. H. Ware Co. Inc., N. N. Robillard, Inc., Nalon, Inc., Nantasket Novelty Co., Nantasket Virginia Reel Co., Nantucket, Inc., The, National Architects Exhibit Corporation, National Aviation Co., National Beauté Syndicate Inc., National Bottling Torah Co., Inc., National Chiclé Company, National Railroad Securities Corporation, National Remodeling Co. Inc., National Res-

taurant Equipment Co., Inc., National School of Salesmanship, Inc., National Screen Service of Massachusetts, Inc., Nautican Realty Co., Neas-Berenson Co. Inc., Needham Theatre Corp., New American Hotel Company, New Boston Arena Company, The, New England Barber Supply Co., New England Beverage Dealers Association Inc., New England Building, Inc., The, New England Cities Ice Management Company, New England Construction Equipment Company, New England Distributing Corporation, New England Financial Corporation, New England Food Products Company, New England Grain Products Co., New England Jobbers Mill Service, Inc., New England Manufacturing Company, New England Overall Dry Cleaning and Supply Co., Inc., New England Printer, Inc., The, New England Sales Association, Incorporated, New England Steel Rule Die Corporation, New England Tool Corporation, New-Hom Construction Company, Inc., New Palace Restaurant, Incorporated, New Ritz Restaurant, Inc., Newark Furniture Bargain Store, Inc., Newbury Company, Inc., Newbury Mfg. Co., Nickerson Garage Inc., Nils Bjork Company, Nobbies Shoe Manufacturing Co., Nobby Shoe Manufacturing Co. Inc., Nonantum Coal Company, Nonantum Realty Company, Norfolk Finance Corporation, Norfolk-Japanneries, Inc., Norman Realty Co. Inc., North End Auto Body Works, Incorporated, North Falmouth Construction Co., North Shore Operating Corp., North Terminal Motors, Inc., North-Union Realty Company, Northampton Stables Inc., Northeast Tea Company, Northeastern Industrial Loan Corporation, Northern Greyhound Racing Association, Inc., The, Northern Manufacturing Co. of Massachusetts, Notion House of Boston, Inc., The, Nut House, Inc., The, Nutro Finance Corp.

Oak Grove Bottling Works, Inc., Oakland Furniture Sales Co., Ocean Trawling Company, Odor Never Company, Inc., Old Colony Baking Co., Inc., Old Colony Broadcasting Corp., Old Colony Sales Corporation, Old Howard Apothecary, Inc., The, Old South Cone Company, Inc., Old Timers Restaurant, Inc., Olympia Construction Company, One State Street Pharmacy, Inc., Original Wright Dry Cleansers Inc., Orlando Bakery Inc., Outfit Clothing Company, Incorporated, Overland Commonwealth, Inc., Overpass Trucking & Contracting Co., Inc., Oxner Company, Inc., Oyster Harbor, Inc.

P. F. Bonney's Sons, Inc., P. J. Adams & Sons, Inc., P. J. MacNaughton Company, Inc., P. K. Lindsay & Co. (Inc.), P. P. Caproni and Brother, Incorporated, P. R. H., Inc., Paddock of Brockton, Inc., The, Palermo Fish Market, Inc., Pallister Bottling Co. Inc., Paper Liquidation Corporation, Paradis Cash Market, Inc., Paramode Shoe Co., Paramount, Inc., Paris Fashion Shop, Inc., Paris Shop, The, Parisian Millinery, Inc., Park Square Building Company of Boston, Passaconaway Weaving and Knitting Co., Inc., Patent Holding & Mfg. Corp., Payson's Indelible Ink Co.,

Peanut Honey Corporation of Massachusetts, Peirce & Kilburn, Inc., Penn Metal Company, Pentucket Realty Company, People's Cash Market, Inc., Peoples Cleansers & Dyers, Inc., Peoples Loan and Investment Co., Persky's Home Bakery, Inc., Personal Credit Corporation, Personal Tribute Gold Portrait Company, Pet-Haven Inc., Peterboro Manufacturing Company, Phelps Theatre Company, Philbrick & Pope, Inc., Philip Fishman Company, Photo Era Publishing Company, Physicians and Dentists Credit Reference Inc., Piccadilly Cleansers, Inc., Pickert Company, The, Pierce & Segal, Inc., Pierce Coach Lines, Inc., Pierce-Powers Mill Inc., Pigeon Paint and Wall Paper Co. Inc., Pilgrim Textile Corporation, Pindrus Hardwood Flooring Company, Pioneer Mills, Pittsfield Tire Exchange, Inc., Pittsford Power Company, Planet Company, The, Plaza Realty Corp., Plymouth Finance Corporation, Plymouth Products Corporation, Plymouth Steamship Company, Inc., Plymouth Stove Works, Inc., Plyrite Corporation, The, Poll-Parrot Beauty Salons, Inc., Polly Perkins Restaurant Inc., Pollyanna Inc., Ponikin Mills, Popular Pictures, Inc. (1935), Port Wentworth Company, The, Porter Last Company, Portland Street Garage Corporation, Post-McVey Company, Inc., Post Road Press, Inc., Potato Products Company, Powers Construction Company, Pratt-Lewis Corporation, Pratt's Market, Inc., Premier Hat Corp., Presson Express Co., Inc., Prews News Store, Inc., Pride Lamp Shade Co., Prideaux Florist, Inc., Priest-Gustafson Tire Co., Princess Hosiery Mills Inc., Printers and Publishers, Inc., Priscilla Sears Sweets, Inc., Program Publishers, Inc., Prompt Contractors, Inc., The, Property Analysis Corp., Providence Real Estate Company, Inc., Province Steps Cafe Inc., Provincetown Inn Corporation, Public Utilities Appliance Corporation, Publix Stations, Inc., Pulsifer & Webber, Inc., Puritan Beef Co., Purity Drug Company.

Quaker Valley Petroleum Company, Inc., Quality Ice Cream Company, Inc., The, Quality Products Mfg. Corporation, Quarry Realty Corporation, Quequechan Realty Company, Quincy Insurance Finance Corporation, Quinn Furniture Company.

R. B. C. Fund, Incorporated, R. B. McKim Company Incorporated, R. B. Stone Lumber Co., Inc., R. Blum Co., R. D. Guarente & Sons, Inc., R. H. Baker Company, Inc. (1933), R. H. Mulcahy Co., R. H. Splaine, Inc., R. H. Wheeler, Inc., R. M. Kaulback Co., R. Stolar Company, R. T. Allen & Bros. Incorporated, Racine Heel Co., Inc., Rain's Inc., Rathskeller, Inc., The, Rauch & Lang, Inc., Rayshine Co., Reading Amusement Co., Realty Trust Corporation, Record Publishing Company, of Lawrence, Recovery Fund, Inc., Red Crown Cafe, Incorporated, Red Devil Oil Burner, Inc., Refrigerator Sales & Appliance Corp., Regal Chair & Lounge Company, Regal Hats Inc., Regal Laundry Company, Regent Tanning Co. Inc., Reliable Wood Heel Co., Reliance Bond Corporation, Rent-A-

Car Co. Inc., Restaurant Enterprises, Inc., Revere Bath House & Amusement Company, Rhodes & Ripley Clothing Company, Rice Pharmacy, Inc., Richard A. Feiss, Inc., Richard Finance Co., Richmond Construction Corporation, Rich's Grill, Inc., Rich's, Inc., Ridyard Plumbing Co., Rinchin's Super Service Station, Inc., River Street Apartment Corporation, River Woolens Inc., Riverside Hardware Company, Inc., Road Appliances Inc., Robbins-Bernard Co., Inc., Robbins Oil Company, Robert Burns, Inc., Rock-Mere, Inc., Rockwell & Son, Inc., Roger Stephen Corp., The, Rogers-Coleman, Inc., Rogers Flower Shops Inc., Rollet & Chamberlin Studio, Inc., Roman Cash Market Inc., Rose Beverage Co., Rose-Derry Corporation, Rose Weiner, Inc., Rosen Bros., Inc., Rossi Beef & Pork Products Co. Inc., Roxbury Motors, Inc., Roxy-Springfield Corporation, Royal Blade Corporation, Royal Cafe and Bar, Inc., The, Royal Gardens, Inc., Royal Trucking Co., Ruffo Poultry Co. Inc., Rug Renovators of New England, Incorporated, Russell Manufacturing Company (1921), Russell Press, Inc., Russell Textile Machinery Company, Ruth's Sweet Shoppe Inc., Ryder's, Inc.

S. A. Freeman Company, S. Brisson, Inc., S. Lagrassa Co. Inc., S. R. Briggs Co., Safety Tire Company, Inc., Sagamore Liquor Store, Inc., Sagros, Inc., Salco Paper Co. Inc., Salem Auto Body Co., Inc., The, Salem Manufacturers Real Estate Co., Inc., Salisbury Beach Pavilion Company, Salisbury Bees, Inc., Sally Co., The, Salter Mills, Sam A. McGregor Co. Inc., Samoset Worsted Mills, Inc., Samuel Hertzog Corporation, San Sousa Restaurant, Inc., Sandals, Inc., Sanidip Manufacturing Corporation, Sanovan Distributing Company, Inc., Sarasin Six Wheel Truck Co., Sargent Plywood Co., Inc., Savings Funds, Inc., Schwartz Bros., Inc., Schwenger, Inc., Scituate Amusement Company, Screen Review Publishing Co., Inc., Sea Shore Operating Co., Inc., Seaboard Flour Corporation, Seaplanes, Incorporated, Second Investment Counsel Corporation, Selector Corporation, Self Service Oil Co., Sellers' Sandwich Shops, Inc., Seneca Liquidating Corporation, Service Finance Corporation, Service First Motors, Inc., Seth Crocker Pen Co., Seymour Garments, Inc., Sharp Manufacturing Company, Shawmut Cloak, Inc., Shenkel Clothing Company, Sheraton Publishers, Inc., The, Sheridan Inc., Sherman & Feinberg, Inc., Sherman Syndicate, Inc., Sherman's Markets Inc., Sherry Construction Company, Inc., Shoe City Hardware Corporation, Silco Beverages Inc., Silver Fleet Corporation, The, Silver Parrot Restaurant Inc., Silver-Towne Mfg. Co., Simco Finance Corporation, Simmons Shirt Co., Simmons Transportation Company, Simons & Webbing Co., Simon's Electrical Supply Co., Simons Motors, Inc., Singer's Inn, Inc., 61 Mt. Vernon Street Corporation, Skaife's, Inc., Skyways, Ltd., Sled-Control-Device Co., Smeester's Bakery, Incorporated, Smith & Meirick, Inc., Smith & Saunders, Inc., Smith, Bennett & Snow, Incorporated, Smith Bros.'

Drug Company, Smith-Feinstein, Inc., Snako Corporation, Snyder-Shaw Corporation, Societa Cooperativa di Consumo Cristoforo Columbo Inc., Solov-Hinds Company, Somerset Engineering Company, Inc., Somerville Tire Company, Inc., So: Boston Iron Foundry, Inc., South Boston Lumber Company, South Lawrence Progressive Corporation, South Shore Pharmacy, Inc., Sovel, Incorporated, Spa, Inc., The, Sparkling Burner Corporation, Spencer Woolen Mills, Inc., Spindle City Roller & Flyer Co., Sport Shop, Inc., The, Sports-craft, Inc., Spring Hill Fur Farms, Inc., Springfield Airport and Aeronautical School, Incorporated, Springfield Casket Hardware, Inc., Springfield Hat Shoppe, Inc., Springfield Knitting Mills, Inc., Springfield Needle Company, Inc., Springfield Oil Burner Company Incorporated, Springfield Paper Stock Company, Incorporated, Square Cut Wood Dust Manufacturing Company, Incorporated, Square Deal Market, Inc., Stadium Motors, Inc., Stakolite Co., Inc., Standard Cafeteria, Inc., Standard Egg Co. Inc., Standard Electrical Co. Inc., Standard Excavating Co., Standard Kid Mfg. Co., Standard Lunch System, Inc., Standard Mailing Company, Stanleigh Hats, Inc., Stanley J. Borison, Inc., Stanley Newman Corporation, Stanton Atkin Corporation, Staples Funeral Service, Inc., Star Lighting Fixture Co., Inc., Star Worsted Company, State Clothing, Inc., State Color & Chemical Company, Inc., State Luncheonette, Inc., Statler Factor Co., The, Steiger's Fall River, Inc., Stephens-Adams-Cyr Co., Sterling Dresses, Inc., Steuben Chemical Company, Stollwerck Chocolate Company, The, Stone & Ross, Inc., Stony Brook Company of Norfolk, Inc., Storealty Corporation, Strand Clothes, Inc., Strand Corporation of Brockton, Strike-Em-Out Base Ball Inc., Stuart Company, Inc., Students Cooperative Laundry Association, Inc., Sturtevant and Haley Beef and Supply Company, Suffolk Importing Company, Suffolk Realty Corporation, Sunkist Market, Inc., Superior Fish Market, Inc., Superior Freight Service, Inc., Superior Millinery Company, Superior Service, Inc., Supreme Shoe Co., Inc., Surety Investment & Finance Company, Inc., Surpass Shoe Company, Inc., Swartz Shoe Company, Swett and Sibley Inc., Syco Millinery Inc.

T. J. O'Connell Company, T. L. Wood & Son, Inc., T. T. Herlihy, Incorporated, Taft Oil Burner Company, Tanners Acceptance Corporation, Tarbell-Watters Building, Incorporated, Taylor Motor Sales Inc., Tech Amusement Company, Inc., Tech Cigar Company, Technical Engineering Corporation, Teele Square Liquor Store, Inc., Temple Manufacturing Company, Teneco Sales Corporation, Terrace Gables Company, Textile Knitting Company, Textile Patent & Process Company, Thal, Incorporated, Theatre Management Corporation, Theiss Engineering Corporation, Thomas E. Reed, Inc., Thomas Hollis Laboratories, Thomas J. Fitzgerald, Incorporated, Three Bears Tea Room, Inc., The, Three Engineers, Inc., Three Green Lights, Inc., 3000 Corporation, Tire Shop, Inc., Tomorrow, Inc., Tompkins-Stod-

dard Company, Toy Town Tailleurs, Inc., Trapelo Hardware Co., Inc., Travelers' Auto Service Co., Trawler Maris Stella, Inc., Trawler Milton, Inc., Tremont Credit Company, Tremont Halls, Inc., Tribble Rope & Mop Co., Troy Motor Car Co., Tru-tone Hearing Aid Corp., Tudor Ice Company, 1215 Main Street, Inc.

U. S. Export & Import Co., U. S. General Home Electric Appliance Repair Corp., Unilite Corporation, The, Union Activities Corporation, Union Hill Theatre Corp., Unit Railway Car Company, United Box & Paper Co., The, United Certificate Corporation, United Construction Corporation, United States Bond & Mortgage Corporation of Massachusetts, United States Furniture Sales Corporation, The, United States Radio Corporation, United Textile Company, United Ticket Company, Inc., Universal Sales Corp., University Distributing Company, University Provision Co., Inc., University Stove Exchange and Plumbing Supply, Inc., Uphams Corner Tire & Battery Company, Inc., Upton Fur Co. Incorporated, The, Utilities Hydro & Rails Shares Corporation, Utilities Sales Corporation, Uxbridge Soap Co.

Van Heusen-Brigham Company, Vander Poel, Francis & Woods, Ltd., Vernon Company, Victoria Catering Co., Inc., Victoria Tire Company, Inc., Victory Trading Company, Village Inn, Inc., The, Village Theatre Company, Vineyard Theatres, Inc., The, Vitachrome Film Corporation, Voyer Electric Supply Co.

W. A. Webster Co., W. Benj. C. Meady Co., W. C. Goodrich Inc., W. C. Rich & Company, Incorporated, W. C. Sills Corporation, W. E. Kilbrith Co., W. K. Carson, Inc., W. N. Fisher Company, The, W. S. Chase & Sons, Incorporated, W-W Manufacturing Company, Inc., The, W. W. McCoubrey Company, Waite's Automotive Service, Inc., Wakefield Palm Garden, Inc., Walcott-Cameron Company, The, Walker Body Company, Walker Coal & Fuel Company, Walpole Auto Station, Inc., Walter A. Wentworth Company, Walter F. Lord, Inc., Walter G. Legge Company, Inc., Ware Street Realty Company, Warren Battery Company, Inc., Warren Sinclair, Inc., Warren's, Inc., Warrenton Drug Co. Inc., Washburn Crosby Company, Inc., Washington Street Pharmacy, Inc., Watch City Hardware Company, Water Street Company, Waterfront, Inc., Waterhead Mills Incorporated, Waters Hotel Corporation, Watertown Excavating Co., Inc., Waverley Oaks Garage Inc., Wayland Grain Co. Inc., Wayside Furniture Company, Web Finance Co. Inc., Webster, Kennedy & Co., Inc., Welch, Inc., Wende Street, Inc., West Boxford Realty Company, West Gate Fuel Company, Incorporated, West Medford Flower Shop, Inc., Western Oil & Gasoline, Inc., Westgate Oil Company Inc., The, Westwood Airport Inc., Westwood Products Co., Wetan Leather Company, Wexler Bakery, Inc., Weymouth Motor Sales Co., Whitcomb Realty Co., White Baking Co., Inc., White Swan, Inc., The, Whiting Milk Companies, Whitlock Corporation, Whitman Theatre Corporation, Wicka-

boag Corporation, Wilber Mercantile Agency of New England Inc., Wilbur Cafe, Inc., Wilcox Company, The, Wiley Waxene Company, Wilford Manufacturing Co., Willey House Co., Wm. Brown & Sons Co., The, William Huke & Co., Inc., William M. Fyffe, Inc., William Pathie Company, William S. Briry, Incorporated, Williams & Bangs, Inc., Williams, Inc., Williams Shop, Inc., The, Wills Shoe Company Inc., Wilson Realty Corporation, Windsor Hall, Inc., The, Windsor Sandals, Inc., Wingate Shoe Company, Inc., Winton Specialty Co., Wise Shoe Co., Inc., Woburn Realty Corporation, Woerner & Weissman, Inc., Wolcott & Murray, Inc., Wolfe Tanning Co., Wonderland Company, Incorporated, The, Wonderland Dining Car Co., Inc., Wonderland Greyhound Corporation, Wood, Putnam & Wood Co., Woodbury-Reynolds, Inc., Woodcock Inc., Worcester Cap Co. & Bancroft Lap Robe Co. Inc., Worcester County Greyhound Association Inc., Worcester Fabrics Corp., Worcester Federal Realty Co., Worcester Jobbing Company, Inc., Worcester Liquidating Company, Worcester Outlet, Inc., Worcester Trailer Corp., Worcester Waste Company, Worden Corporation, The, Worth Shoe Company, Inc., Worthington Company, Inc., The, Wright Shoe Company, Inc., Wright Stores Inc.

Yacht Santanta Corporation, Yankee Circuit, Inc., The, Yankee Publications, Inc., Yarden Realty Company, Inc., Yarmouth Company, The, York and Company (Incorporated), Young & Brown Co., Yule's Garage, Inc.

PUBLIC SERVICE CORPORATIONS.

Agawam Electric Company, The, Amesbury & Salisbury Gas Co.

Bridgewater Water Company.

Ludlow Electric Light Company, Lunenburg Water Company.

Salisbury and Amesbury Gas Light Company, Salisbury and East Kingston Railroad Company (1844), Salisbury and East Kingston Railroad Company (1848).

CHARITABLE AND OTHER CORPORATIONS.

Abington Rifle Club, Inc., Abraham Frank Credit Union, Abraham Lincoln Credit Union, Amalgamated Credit Union, American Credit Union, American Express Employees' Credit Union, Anderson Credit Union, Anshey Khall Israil Credit Union, Arlmont Country Club, Asbestos Workers Local No. 6 Credit Union, Associates Credit Union, Augustov Credit Union, Auxiliary of American Jewish Women for Community Service, Inc.

Bachrach Employees Credit Union, Barter Associates Credit Union, Bay State Credit Union, Beachmont Credit Union, Beacon Hill Credit Union, The, Berkshire Animal Rescue League, Bernard Credit Union, Blackman Credit Union, Blake-Knowles Credit Union, Boston Branch, Baron

de Hirsch Fund, Boston Co-operative Bank, Boston Independent Workmens Circle Credit Union, Boston Jewish Workers Alliance Credit Union, Bowdoin Credit Union, Breakheart-Hill Forestry, Brockton Independent Workmen's Circle Credit Union, Brookdor Credit Union, Brookline-Brighton Credit Union, Brunswick Credit Union, Bryant Credit Union.

Calumet Club, Inc. of Franklin, Calumet Social Club of North Attleborough Inc., The, Cap, Hat & Millinery Workers' Credit Union, Castle Credit Union, Chaet & Bloom Credit Union, Chandler Credit Union, Charles H. Bond Camp #104 Sons of Veterans Building Association, Chelsea Alliance Credit Union, Chelsea Credit Union, Chelsea Investment Credit Union, Chelsea Progressive Credit Union, Chelsea Young Men's Credit Union, Cigar Factory Employees Credit Union, Citizens Exchange City Credit Union (1926), Columbia Credit Union, Commercial Credit Union, Commonwealth Credit Union, Community Aid Association of Chelsea, Massachusetts, Community Credit Union (1926), Corporal James C. Shea Post and Ladies Auxiliary, Cosmopolitan Credit Union, The (1914), Country Club Covered Courts, Inc., Crawford Credit Union, Crossett Credit Union, Cunningham Credit Union.

Darling Employees Credit Union, Davis Square Credit Union, Dawn Patrol, Incorporated, Department of Massachusetts, The American Legion, 1937 Convention Corporation of New Bedford, Dorchester Credit Union (1917).

East Boston Credit Union, The, Eastern States Hairdressers Association, Inc., Ecco Credit Union, Eighth Ward Credit Union, The, Electrical Workers Credit Union, Elmco Credit Union, Essex County Credit Union, Everett Citizens League Credit Union.

Fabyan Credit Union, Faneuil Co-operative Bank, Fields Corner Credit Union (1927), Field's Corner Credit Union (1929), Finnish-American Credit Union, Foot Delight Credit Union, Fort Credit Union, Fur Workers Credit Union.

Globe Credit Union, Goodfellowship Credit Union, Greater Boston Credit Union, Greenfield Society for the Protection of Animals, The, Greenwood Credit Union, Grove Hall Credit Union.

H. E. Fletcher Co. Employees Mutual Benefit Association, Hamilton Credit Union, Hampden County Gasoline Dealers Association, Inc., Hampden Credit Union, The, Harrison Credit Union, Havelock Credit Union, Haverhill Three Link Club, Incorporated, Hebrew Benevolent Credit Union, Hebrew Credit Union, Hebrew Sheltering Home Association of Roxbury, Hill Credit Union, Home Owners Cooperative Bank, Hotel & Restaurant Credit Union, Howes Credit Union, Hyde Square Credit Union.

Immaculate Conception Credit Union, The, Independent Order of the Sons of Italy Credit Union, The, Inman Co-operative Bank, Intercity Credit Union, Isaac Alberts Memorial Aid Association, Italian-American Citizens Club, Inc.

of Maynard, The, Italian Workingmen's Credit Union of Boston, Mass., The.

Jay Jay Ess Credit Union, Jewish Women's Credit Union.

Kast Credit Union, King Solomon Credit Union, Kingsdale Credit Union, The, Krystallene Credit Union.

Ladies Relief Corps of West Boylston, Mass., Inc., Leominster Co-operative Bank, The, Leopold Morse Home for Infirm Hebrews and Orphanage, The, Leverett Credit Union, Love of Peace Credit Union, Lovering Credit Union, Lynn Gold Star Mothers, Inc., Lynn United Hebrew Credit Union.

M. S. Wright Company Credit Union, Malden Credit Union, Martin Luther Club, Massachusetts Credit Union (1914), Massachusetts Credit Union (1926), Massachusetts Veterans Association, Inc., Maverick Credit Union, Merchants Credit Union, Merrimac Credit Union, Metrogra Credit Union, Metropolitan Co-operative Bank, Middlesex Credit Union, Milford Co-operative Bank, Milford Municipal Credit Union, Morton Credit Union, Mount Bowdoin Credit Union, Musicians' Credit Union, Mutual Co-operative Bank, Myco Credit Union, Mystic Credit Union.

Navy Employees' Credit Union, New England Credit Union, 1936 Y. D. Veterans National Convention Inc., 1933 Mass. Legion Convention Corporation of Holyoke, Inc., The, North End Merchants Credit Union, North End Union Credit Union, North Middlesex Automobile Dealers Association, North Shore Club, Novelty Credit Union, Novograd Volinsk Credit Union.

One Hundred Summer Street Credit Union.

Palace Credit Union, Palestine Credit Union, Park Credit Union, Parkway Women's Credit Union, Paul Revere Credit Union, Peoples Credit Union (1912), People's Credit Union (1918), Phileducational Association of Georgitsiotes, "Socrates", Phoenix Athletic Club, Inc., Pittsfield Hebrew Credit Union, Plymouth Co-operative Bank, The, Plymouth County Dairymen's Association, Progress Credit Union, Progressive Credit Union, Prospect Credit Union, Puritan Credit Union.

Quincy Credit Union.

Reliable Credit Union, Reliance Credit Union, Revere Credit Union, Rolls-Royce Employees Credit Union, Round Hills Radio Corporation, Roxbury Credit Union, The, Roxbury Institute, Roxbury Ladies' Club, Royal Credit Union, Runaway Brook Golf Club Corporation, The.

S & M Credit Union, Saint Anthony of Padua of Revere, Massachusetts, Mutual Relief and Benefit Society, Incorporated, St. Francis Credit Union, St. Joseph Credit Union, St. Joseph's Credit Union of Waltham, Salem Music Hall Association, Schoolhouse Custodians' Credit Union, Seitate Country Club, Security Co-operative Bank, Shepard Stores Employees Credit Union, The, Shoe Clerks Credit Union, Sisterhood Credit Union, The, Sisters Social Credit Union, Skandia Credit Union, Slater Mills Credit Union, Solidarity Credit Union, The, South Boston Credit Union, South End

Credit Union, Star Credit Union, Starr Club, Stepin Credit Union, Stratton Credit Union, Sudelkow Credit Union, Suffolk Co-operative Bank.

Talbot Credit Union, Taunton Credit Union, Taunton Woman's Club, Temple Credit Union, Thirteen Associates Credit Union, The, Tolman Credit Union, Tomashpol Credit Union, Traders' Credit Union, The.

Union Co-operative Bank, Union Co-operative Bank of Boston, Union Park Credit Union, United Danish Building Association, Inc., United Hebrew Benevolent Association of Boston.

Vine Brook Corporation, Voliner Hebrew Credit Union.

Waltham Credit Union, Warren Credit Union, Washington-Essex Credit Union, Watertown Unemployment Relief Committee, Inc., Waumbeck Credit Union, Wellington Credit Union, West End Credit Union, The, Winter Hill Co-operative Bank, Winthrop Credit Union, Wolf Post Associates Credit Union, Wollaston Co-operative Bank, The, Woodrow Credit Union, Worcester Central Labor Credit Union, Worcester Credit Union, Worcester Eagles Credit Union, Worcester Lithuanian Credit Union, Workmen's Circle Credit Union, Wright & Potter Credit Union.

Young Men's Hebrew Association, Salem, Massachusetts, The.

Zagerer Credit Union, Zion Credit Union, The.

SECTION 2. Nothing in this act shall be construed to affect any suit now pending by or against any corporation mentioned herein, or any suit now pending or hereafter brought for any liability now existing against the stockholders or officers of any such corporation, or to revive any charter previously annulled or any corporation previously dissolved, or to make valid any defective organization of any of the supposed corporations mentioned herein.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself in a suit upon a claim by the corporation, had it not been dissolved by this act.

SECTION 4. Nothing in this act shall be construed to relieve the last person who was the treasurer or assistant treasurer, or, in their absence or incapacity, who was any other principal officer of each of the corporations named in this act, from the obligation to make a tax return in the year nineteen hundred and thirty-nine as required by chapter sixty-three of the General Laws. The tax liability of each of the corporations named in this act shall be determined in accordance with the existing laws of this commonwealth.

SECTION 5. This act shall take effect on March thirty-first in the current year.

Approved March 29, 1938.

Chap.149 AN ACT TO PRESERVE RIGHTS WHICH AROSE UNDER PROVISIONS OF LAW, IMPOSING CIVIL LIABILITY FOR VIOLATIONS OF THE LAW OF THE ROAD, PRIOR TO THE REPEAL OF SUCH PROVISIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter forty-nine of the acts of nineteen hundred and thirty-six is hereby amended by adding at the end the following new section: — *Section 2.* This act shall in no way effect any cause of action which accrued prior to its effective date.

Approved March 29, 1938.

Chap.150 AN ACT AUTHORIZING COLLECTORS OF TAXES TO MAINTAIN ACTIONS FOR THE COLLECTION OF CERTAIN APPORTIONED TAXES ON REAL ESTATE.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 59, § 79,
amended.

SECTION 1. Section seventy-nine of chapter fifty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following sentence:—If the tax so apportioned upon any parcel remains unpaid for three months after commitment to the collector, he may maintain an action in his own name under section thirty-five of chapter sixty, against the person liable for such tax, in the same manner as for his own debt, — so as to read as follows: — *Section 79.* If real estate is divided by sale, mortgage, upon a petition for partition or otherwise after a tax has been assessed thereon and such division has been duly recorded in the registry of deeds, the assessors, at any time before said real estate has been advertised for sale for nonpayment of taxes, upon the written request of the owner or mortgagee of any portion thereof, shall apportion said tax, with costs and interest upon the several parcels thereof, in proportion to the value of each, and only the portion of said tax, interest and costs so apportioned upon any such parcel shall continue to be a lien upon it; and the owners or mortgagees shall be liable only for the tax apportioned upon the parcel owned in whole or in part by them respectively. If the tax so apportioned upon any parcel remains unpaid for three months after commitment to the collector, he may maintain an action in his own name under section thirty-five of chapter sixty, against the person liable for such tax, in the same manner as for his own debt.

Tax on
real estate,
collection.

SECTION 2. Chapter sixty of the General Laws is hereby amended by striking out section thirty-five, as so appearing, and inserting in place thereof the following: — *Section 35.* If a tax remains unpaid for three months after commitment to the collector, he may maintain an action in his own name against the person assessed therefor, or liable therefor upon an apportionment under section seventy-nine of chapter fifty-nine, in the same manner as for his own debt.

G. L. (Ter. Ed.), 60, § 35, amended.
Collector may maintain action.

Approved March 29, 1938.

AN ACT REGULATING THE TAKING OF FISH BY MEANS OF TORCHES OR OTHER ARTIFICIAL LIGHT FROM THE COASTAL WATERS OF THE TOWNS OF PROVINCETOWN AND TRURO. Chap.151

Be it enacted, etc., as follows:

SECTION 1. No person shall, for the purpose of taking herring or other fish in or from any of the coastal waters of the towns of Provincetown and Truro, display a torch or other artificial light designed or used for the purpose of taking such fish; provided, that the selectmen of said towns may grant permits for the display of torches or other light for the purpose aforesaid within the limits of their respective towns, subject to such regulations as the selectmen deem necessary for the best interests of the town.

SECTION 2. Whoever violates the provisions of this act, or of any regulation made under authority thereof, shall be punished, for a first offence, by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and, for a second offence, by both such fine and imprisonment.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1938.

AN ACT REVIVING BRAY COUNTER CO., A CORPORATION, FOR CERTAIN PURPOSES. Chap.152

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Bray Counter Co., a corporation dissolved by section one of chapter one hundred and thirty-nine of the acts of nineteen hundred and thirty-two, is hereby revived for the sole purposes of transferring on the books of the corporation certain shares of stock of the corporation, and of receiving payment of a certain mortgage for forty-five hundred dollars held by the corporation, together with accrued interest thereon, discharging said mortgage and distributing the proceeds among its creditors and stockholders entitled thereto.

Approved March 29, 1938.

Chap.153 AN ACT RELATIVE TO THE RETIREMENT OF MEMBERS OF
THE FIRE DEPARTMENT OF THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and ninety-six of the acts of nineteen hundred and ten is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The chief of the fire department of the city of New Bedford, with the approval of the mayor, may retire from active service and place upon a pension roll any permanent member of the fire department of that city, who, by injuries sustained through no fault of his and in the actual performance of his duty, has become permanently disabled, mentally or physically, from useful service in the department, and may retire from active service and place upon a pension roll any permanent member of said department who has performed faithful service therein for a period of not less than twenty consecutive years or who has reached the age of sixty years, if, in the judgment of said chief, such member is disabled from useful service in the department: *provided, however,* that no member of said department shall be retired for permanent total disability except upon the certificate of the city physician, which certificate shall be filed with the records of the fire department. Every person retired under the provisions of this act shall annually receive as a pension a sum equal to one half of the maximum annual compensation payable from time to time to members of said department holding positions in the grade occupied by him at the time of his retirement, the said amount to be paid by the city, which shall provide money therefor.

SECTION 2. Nothing in this act shall authorize any action contrary to section ten of chapter two hundred and eighty-five of the acts of nineteen hundred and thirty-four, as amended by section ten of chapter one hundred and two of the acts of nineteen hundred and thirty-seven.

Approved March 29, 1938.

Chap.154 AN ACT RELATIVE TO THE ALLOWANCE OF PROBATE ACCOUNTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 206, § 24,
amended.

Final deter-
mination of
account.

SECTION 1. Chapter two hundred and six of the General Laws is hereby amended by striking out section twenty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 24.* Upon application for the allowance of an account filed in the probate court, such notice as the court may order shall be given to all persons interested. If the interest of a person unborn, unascertained, or legally incompetent to act in his own behalf, is not represented except by the accountant, the court shall appoint a competent and disinterested person to represent his interest in the case. The person so appointed shall

make oath to perform his duties faithfully and impartially, and shall be entitled to such reasonable compensation as the court shall allow. After final decree has been entered on any such account it shall not be impeached except for fraud or manifest error.

SECTION 2. Sections nineteen and twenty-three of said chapter two hundred and six of the General Laws, as so appearing, are hereby repealed.

G. L. (Ter. Ed.), 206, §§ 19, 23, repealed.

Approved March 29, 1938.

AN ACT ENTITLING BLIND PERSONS ACCOMPANIED BY "SEE-
ING EYE" DOGS, SO CALLED, TO CERTAIN ACCOMMODA-
TIONS, ADVANTAGES, FACILITIES AND PRIVILEGES. Chap.155

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and seventy-two of the General Laws is hereby amended by inserting after section ninety-eight, as amended, the following new section: —

G. L. (Ter. Ed.), 272, new section 98A, added.

Section 98A. Notwithstanding any other provision of law, any blind person accompanied by a "seeing eye" dog, so called, which dog is used as a leader or guide, shall, if such dog is properly and safely muzzled, be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the commonwealth, to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no such blind person shall be required to pay any charge or fare for or on account of the transportation on any public conveyance of himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for his own transportation. Whoever deprives any blind person of any right conferred by this section shall be punished by a fine of not more than three hundred dollars.

Blind persons accompanied by dogs to be allowed access to places of public amusement, etc.

SECTION 2. Section fifteen of chapter one hundred and fifty-nine of the General Laws, as amended by chapter two hundred and forty-seven of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out the paragraph added by said chapter two hundred and forty-seven.

G. L. (Ter. Ed.), 159, § 15, etc., amended.

Approved March 29, 1938.

AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO PROVIDE ADEQUATE ACCOMMODATIONS FOR THE SECOND DISTRICT COURT OF EASTERN MIDDLESEX. Chap.156

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing adequate court house accommodations and facilities for the second district court of eastern Middlesex in the city of Waltham, the county commissioners of the county of Middlesex are hereby authorized to take by eminent domain under chapter sev-

enty-nine of the General Laws, or acquire by purchase or otherwise, such land as may be necessary and to erect on such land a suitable building for said court and to furnish and equip the same.

SECTION 2. For the purposes aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county, such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on the face the words, Middlesex County District Court House Loan, Act of 1938. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 4. This act shall take effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise. *Approved March 29, 1938.*

Chap. 157 AN ACT RELATIVE TO THE TRANSFER OF JUVENILE MEMBERS OF CERTAIN FRATERNAL BENEFIT SOCIETIES TO ADULT MEMBERSHIP.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 176, § 25, amended.

Reserve on children's certificates.

Chapter one hundred and seventy-six of the General Laws is hereby amended by striking out section twenty-five, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 25.* Any society entering into insurance agreements under section twenty-three shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in section twenty-four; and the funds representing the benefit contributions and all accretions thereto shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for payment of the debts and obligations of the society other than the benefits herein authorized; provided, that a society may

provide that when a juvenile member reaches the minimum age for initiation into membership in such society, any benefit certificate issued under sections twenty-three to twenty-eight, inclusive, may be surrendered for cancellation and exchanged for any other form of certificate issued by the society, or any such benefit certificate, if it does not mature or expire prior to the attainment of such minimum age may, notwithstanding any limitation in said section twenty-three, be continued in force, if in either case such juvenile member shall present himself or herself for initiation as provided in the society's by-laws relative to the admission of adult members. All reserve accumulated under the certificate prior to the admission of any juvenile member to adult membership shall be transferred to the adult department to the credit of the transferring member. After the transfer of membership, the member shall have the sole right to designate a beneficiary, subject, however, to the by-laws of the society.

Approved March 29, 1938.

AN ACT REPEALING CERTAIN PROVISIONS OF THE CHARTER
OF THE MUTUAL BOILER INSURANCE COMPANY OF BOSTON
WITH RESPECT TO THE CONTINGENT MUTUAL LIABILITY OF
ITS POLICYHOLDERS. Chap.158

Be it enacted, etc., as follows:

Section three of chapter one hundred and twenty-four of the acts of eighteen hundred and seventy-seven, entitled "An Act to Incorporate the Mutual Boiler Insurance Company of Boston", as amended by section one of chapter thirty-three of the acts of eighteen hundred and eighty-eight, is hereby repealed.

Approved March 29, 1938.

AN ACT RELATIVE TO THE ISSUANCE OF PAID-UP SHARES BY
CO-OPERATIVE BANKS. Chap.159

Be it enacted, etc., as follows:

Section twelve of chapter one hundred and seventy of the General Laws, as most recently amended by section one of chapter one hundred and ninety-six of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the seventeenth line, the word "ten" and inserting in place thereof the word:— twenty,— so as to read as follows:— *Section 12.* The capital to be accumulated shall be unlimited and shall be divided into shares of the ultimate value of two hundred dollars each. The shares may be issued in quarterly, half yearly or yearly series, in such amounts and at such times as the board of directors may determine. Shares of a prior series may be issued after a new series, subject to the approval of the board of directors. Paid-up shares may be issued, subject to the approval of the board of directors, each share to have a value of two hundred dollars, which shall be paid by the purchaser when the shares are issued, together with inter-

G. L. (Ter.
Ed.), 170,
§ 12, etc.,
amended.

Issue of
shares.

est from the last distribution of profits at a rate fixed by the directors, but not in excess of the rate distributed to unmatured shares. The total value of paid-up shares outstanding at any one time, other than those issued to and held by the Home Owners' Loan Corporation referred to in section forty-seven, shall not exceed twenty per cent of the assets of the corporation. *Approved March 29, 1938.*

Chap.160 AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS IN
THE CITY OF GLOUCESTER.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and thirty-nine, municipal elections in the city of Gloucester for the choice of mayor, aldermen and members of the school committee shall be held biennially on the Tuesday next following the first Monday in December in each odd-numbered year.

SECTION 2. Beginning with the biennial municipal election to be held in said city in the year nineteen hundred and thirty-nine, the mayor and aldermen of said city shall be elected for terms of two years and until their successors are qualified.

SECTION 3. At the regular municipal election to be held in said city in the year nineteen hundred and thirty-eight the members of the school committee to be elected thereat shall be elected to serve for five years and until their successors are qualified. The members of said committee elected in the year nineteen hundred and thirty-seven shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-one. At the biennial municipal election to be held in said city in the year nineteen hundred and thirty-nine and at every biennial municipal election in said city thereafter, all members of the school committee to be elected thereat shall be elected to serve for terms of six years and until their successors are qualified.

SECTION 4. So much of chapter six hundred and eleven of the acts of nineteen hundred and eight, and acts in amendment thereof and in addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 5. This act shall be submitted for acceptance to the registered voters of said city at the biennial state election in the current year in the form of the following question, which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act providing for Biennial Municipal Elections in the City of Gloucester', be accepted?" If a majority of the votes cast on said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved March 29, 1938.

AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF LAWRENCE. *Chap.161*

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and thirty-nine, municipal elections in the city of Lawrence for the choice of mayor, aldermen and members of the school committee shall be held biennially on the second Tuesday in December in each odd-numbered year.

SECTION 2. At the regular municipal election to be held in said city in the year nineteen hundred and thirty-eight the aldermen to be elected thereat shall be elected to serve for terms of three years and until their successors are qualified. At the biennial municipal election to be held in said city in the year nineteen hundred and thirty-nine and at every biennial municipal election in said city thereafter, the mayor and the aldermen to be elected thereat shall be elected to serve for terms of two years and until their successors are qualified.

SECTION 3. At the regular municipal election to be held in said city in the year nineteen hundred and thirty-eight the members of the school committee to be elected thereat shall be elected to serve for terms of three years and until their successors are qualified. At the biennial municipal election to be held in said city in the year nineteen hundred and thirty-nine and at every biennial municipal election in said city thereafter, the members of the school committee to be elected thereat shall be elected to serve for terms of four years and until their successors are qualified.

SECTION 4. If there is a vacancy in the school committee, by failure to elect or otherwise, the mayor shall call a joint convention of the city council and the school committee, at which the mayor, if present, shall preside, and the vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member to serve until the first Monday in January following the next biennial municipal election; and, if there would be a vacancy on said first Monday, it shall be filled at such biennial municipal election for the balance of the unexpired term.

SECTION 5. So much of Part II of chapter six hundred and twenty-one of the acts of nineteen hundred and eleven, and acts in amendment thereof and in addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 6. This act shall be submitted for acceptance to the registered voters of the city of Lawrence at the biennial state election to be held in the current year, in the form of the following question, which shall be printed on the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act providing for Biennial Municipal Elections in the City of Lawrence', be accepted?" If a majority of the votes in answer to said

question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 29, 1938.

Chap. 162 AN ACT MODIFYING THE PROCEDURE TO BE FOLLOWED BY A CO-OPERATIVE BANK IN CONVERTING INTO A FEDERAL SAVINGS AND LOAN ASSOCIATION WITH RESPECT TO THE VOTE OF THE SHAREHOLDERS OF SUCH BANK IN AUTHORIZING SUCH CONVERSION.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 170,
§ 7, etc.,
amended.

SECTION 1. Section seven of chapter one hundred and seventy of the General Laws, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "and" in the twenty-third line the following: — , except as provided by section fifty A, — so as to read as follows: — *Section 7.* The business and affairs of every such corporation shall be managed by a board of not less than five directors to be elected by the shareholders. Directors may be elected for terms of not less than one nor more than three years, and, in case the term is more than one year, they shall be divided into classes and an equal number, as nearly as may be, elected each year. All vacancies in the board or in any office may be filled by the board of directors for the unexpired term. The directors may employ such additional assistance as they may deem necessary and determine the compensation therefor. Each officer and director when appointed or elected shall take an oath that he will faithfully and impartially discharge the duties devolving upon him, and the fact that the oath has been taken shall be entered in the records of the corporation; and if a person appointed or elected does not, within thirty days thereafter, take the oath, his office shall thereupon become vacant. The clerk of the corporation shall be chosen by the shareholders, and the president, vice president, treasurer, assistant treasurer, if any, and other officers whose election is not otherwise herein expressly provided for, shall be chosen by the board of directors. No shareholder shall be entitled to more than one vote at any meeting, and, except as provided by section fifty A, no shareholder shall vote by proxy. All officers shall be elected by ballot, shall be shareholders when nominated, and shall continue to hold their offices until their successors shall have been chosen and shall have assumed their duties, and no such corporation shall expire from neglect to elect officers at the time prescribed in its by-laws. If an officer ceases to be a shareholder, his office shall thereupon become vacant. If a director fails both to

Management,
officers,
election, etc.

attend the regular meetings of the board and to perform any of the duties devolving upon him as such director for six consecutive months, his office may be declared by the board at the next regular meeting to be vacant. A record of any vacancy shall be entered upon the books of the corporation, and a transcript of such record shall be sent by mail to the person whose office has been made vacant. The records of all meetings of the corporation and board of directors shall be read by the president or a director, other than the clerk, designated by the president.

SECTION 2. Section fifty A of said chapter one hundred and seventy, inserted by chapter two hundred and fifteen of the acts of nineteen hundred and thirty-five, is hereby amended by striking out, in the fourth and fifth lines, the words "three quarters of the shareholders of such corporation present and voting" and inserting in place thereof the following: — a majority of all the shareholders of such corporation, entitled to vote, voting in person or by proxy, — so that the first paragraph will read as follows: — Any corporation may convert itself into a federal savings and loan association, or other federal agency of a like nature, if authorized by a vote of at least a majority of all the shareholders of such corporation, entitled to vote, voting in person or by proxy at a meeting especially called to consider the subject. Notice of such special meeting, containing a statement of the time, place and the purpose for which such meeting is called, shall be sent by the clerk of the corporation to each shareholder thereof by mail, postage prepaid, at least thirty days before the date of the meeting. Notice of the meeting shall also be advertised three times in one or more newspapers published in the city or town in which the main office of the corporation is situated, and if there be no such newspaper, then in a newspaper published in the county where the town is situated, the last publication to be at least one day before the meeting.

G. L. (Ter. Ed.), 170, § 50A, etc., amended.

Conversion into federal savings and loan associations, procedure.

Approved March 29, 1938.

AN ACT RELATIVE TO MAKING AVAILABLE TO CERTAIN GOVERNMENTAL AGENCIES CERTAIN INFORMATION UNDER THE UNEMPLOYMENT COMPENSATION LAW.

Chap. 163

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter one hundred and fifty-one A of the General Laws is hereby amended by striking out section forty-seven, as appearing in section one of chapter four hundred and twenty-one of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 47.* The commission shall make such reports, in such

G. L. (Ter. Ed.), 151A, § 47, etc., amended.

Reports of commission.

form and containing such information, as the federal social security board or its successor may from time to time require, and shall furnish such additional information in such form as said board or its successor may from time to time require to substantiate the accuracy of such reports; and shall make available, upon request, to any agency of the United States charged with the administration of public works or other assistance through public employment, information containing the name and address, ordinary occupation and employment status of each recipient of unemployment benefits who is specified in such request, the amounts of such benefits paid and the dates of payment, and a statement of such recipient's rights to further benefits under this chapter; and shall make available, upon request made in a form and manner approved by the commission, to any agency of the commonwealth, or of any political subdivision thereof, charged with the duty of furnishing persons aid or assistance in any form or with the administration of assistance through public employment, like information with respect to any person applying for or receiving such aid or assistance who is specified in the request, and any information so secured shall be confidential and whoever discloses the same otherwise than as required or authorized by law shall be subject to the penalty provided in section thirty-five. The commission shall comply with all reasonable federal regulations governing expenditures of sums allotted or apportioned to the commonwealth for the administration of this chapter and accepted by the commonwealth.

Approved March 29, 1938.

Chap. 164 AN ACT MAKING PERMANENT CERTAIN PROVISIONS OF LAW
AUTHORIZING DOMESTIC CORPORATIONS TO CONTRIBUTE TO
CERTAIN FUNDS FOR THE BETTERMENT OF SOCIAL AND
ECONOMIC CONDITIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 155, new
section 12A,
added.

Contributions
for social
welfare
purposes, etc.

SECTION 1. Chapter one hundred and fifty-five of the General Laws is hereby amended by inserting after section twelve, as appearing in the Tercentenary Edition, the following new section:—*Section 12A.* Every corporation may, by vote of its directors, or of its officers having the powers of directors, contribute such sum or sums of money as said directors or officers may determine to be reasonable to any general fund being raised by a relief committee or agency approved by the commissioner of public welfare, as evidenced by a writing filed in his office, and formed for the purpose of raising money to be used for the betterment of social and economic conditions in any community in which

such corporation is doing business. Nothing in this section shall be construed as directly or indirectly restricting or otherwise affecting, except as herein provided, the rights and powers of any corporation with reference to payments of the nature above specified.

SECTION 2. Chapter eight of the acts of nineteen hundred and thirty-three, as amended by chapter nine of the acts of nineteen hundred and thirty-four, chapter four of the acts of nineteen hundred and thirty-five and chapter twenty of the acts of nineteen hundred and thirty-six, is hereby repealed.

Repeal.

Approved March 31, 1938.

AN ACT REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES. Chap. 165

Be it enacted, etc., as follows:

Chapter ninety-three of the General Laws is hereby amended by inserting after section twenty-eight, as appearing in the Tercentenary Edition, under the heading REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES, the following four new sections: —

G. L. (Ter. Ed.), 93, new sections 28A-28D, inserted.

Section 28A. No person shall offer for sale a stock of goods, wares or merchandise under the designation of "closing out sale", "going out of business sale", "discontinuance of business sale", "removal sale", or other designation of like meaning, in any city or town, unless he has had a usual place of business therein for at least one year prior to such offering for sale, without having first filed with the clerk of such city or town prior to the opening of such sale, a complete inventory of all items to be included in such sale, which inventory shall include only goods, wares and merchandise actually in the place of business, wherein or whereat such sale is to be conducted, at the opening of the sale, nor without having first filed with said clerk a good and sufficient bond, payable to the city or town, in the penal sum of one thousand dollars, with sureties approved by the mayor or selectmen or by a justice of the district court in whose judicial district is situated the city, town or ward in which such sale is to be conducted, conditioned upon compliance with sections twenty-eight A and twenty-eight B; provided, that, after a change of ownership of the whole of such stock, or of the entire balance of such stock, in case a portion thereof has already been so sold, no person shall carry on such sale until the new owner of such stock or balance, unless he has had a usual place of business for at least one year as aforesaid, shall have filed with the city or town clerk an inventory and bond as hereinbefore provided.

"Removal sales", etc., regulated.

Section 28B. No person subject to section twenty-eight A conducting such a sale shall add to the stock offered for sale thereat unless an itemized list of the goods, wares or merchandise so added shall first have been advertised in a newspaper published in the city or town wherein such sale

Advertisement.

is being conducted or unless each item of stock so added is plainly and conspicuously designated as having been so added by a statement in the English language on the item or its container or on a tag or label attached thereto.

Application
of law.

Section 28C. Sections twenty-eight A to twenty-eight D, inclusive, shall not apply to sales conducted in accordance with sections eighteen to twenty-one, inclusive, of chapter one hundred or to sales made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell personal property.

Penalty.

Section 28D. Whoever violates any provision of sections twenty-eight A to twenty-eight C, inclusive, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and each day on which a sale is conducted in violation of any of said provisions shall constitute a separate offence.

Approved March 31, 1938.

Chap.166

AN ACT RESTRICTING THE RATE OF SPEED OF MOTOR VEHICLES APPROACHING AND PASSING SCHOOL BUSES WHICH HAVE BEEN STOPPED TO ALLOW PASSENGERS TO ALIGHT FROM OR BOARD THE SAME.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 90, § 14,
amended.

Section fourteen of chapter ninety of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "zones" in the fifteenth line the following new sentence:— In approaching and passing a school bus which has been stopped to allow passengers to alight from or board the same, the person operating a motor vehicle shall slow down to a rate of speed not exceeding ten miles per hour; provided, that such school bus bears the words "SCHOOL BUS" in letters of such size and type as are visible at a distance of at least three hundred feet in the direction toward which it is facing and in the reverse direction, — so as to read as follows:— *Section 14.* Every person operating a motor vehicle shall bring the vehicle and the motor propelling it immediately to a stop when approaching a horse or other draft animal being led, ridden or driven, if such animal appears to be frightened and if the person in charge thereof shall signal so to do; and, if traveling in the opposite direction to that in which such animal is proceeding, said vehicle shall remain stationary so long as may be reasonable to allow such animal to pass; or, if traveling in the same direction, the person operating shall use reasonable caution in thereafter passing such animal. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight from or board the same, the person operating a motor vehicle shall not

Precautions
for safety of
travelers on
highways.

Rate of speed
of motor
vehicles
restricted.

drive such vehicle within eight feet of the running board or lowest step of the car then in use by passengers for the purpose of alighting or boarding, except by the express direction of a traffic officer or except at points where passengers are protected by safety zones. In approaching and passing a school bus which has been stopped to allow passengers to alight from or board the same, the person operating a motor vehicle shall slow down to a rate of speed not exceeding ten miles per hour; provided, that such school bus bears the words "SCHOOL BUS" in letters of such size and type as are visible at a distance of at least three hundred feet in the direction toward which it is facing and in the reverse direction. Upon approaching a pedestrian who is upon the traveled part of any way and not upon a sidewalk, every person operating a motor vehicle shall slow down. The person operating a motor vehicle on any way upon approaching an intersecting way or a curve or a corner in said way where his view is obstructed shall slow down and upon approaching any junction of said way with an intersecting way before turning into the same shall slow down and keep to the right of the intersection of the center lines of both ways or extensions thereof, when turning to the right, and shall pass to the right of the intersection of the center lines of said ways or extensions thereof before turning to the left.

Approved March 31, 1938.

AN ACT AUTHORIZING THE TOWN OF COHASSET TO PAY AN ANNUITY TO HERBERT L. BROWN. Chap. 167

Be it enacted, etc., as follows:

SECTION 1. The town of Cohasset may pay an annuity of six hundred dollars, in monthly instalments, to Herbert L. Brown, who for more than forty-four years has been in the service of said town.

SECTION 2. This act shall be submitted for acceptance to the registered voters of said town at a town meeting, not later than the annual town meeting in the year nineteen hundred and thirty-nine. The vote shall be taken by ballot, in answer to the question which shall be placed, in case of a special meeting, upon a ballot to be provided and used at said meeting, or, in case of said annual meeting, upon the official ballot to be used for the election of town officers: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act authorizing the Town of Cohasset to pay an Annuity to Herbert L. Brown', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 5, 1938.

*Chap.*168 AN ACT RELATIVE TO THE CONTROL OF THE IMPORTATION OF ANIMALS AFFECTED WITH BANG'S ABORTION DISEASE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 129, § 26A, amended.

Shipping, etc., dairy cattle without inspection, etc., penalized.

Chapter one hundred and twenty-nine of the General Laws is hereby amended by striking out section twenty-six A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 26A.* Whoever ships, drives or transports into the commonwealth cattle to be used for dairy purposes, unless they have been inspected and passed as healthy by a veterinary inspector of the United States Bureau of Animal Industry or a veterinarian of the state of origin authorized by the state and approved by said bureau and are accompanied by a certificate of health approved by the proper livestock officials of the state of origin stating that each such animal six months of age or over was negative to an agglutination blood test for Bang's abortion disease applied within thirty days prior to entry, shall be punished by a fine of not more than two hundred dollars.

Approved April 5, 1938.

*Chap.*169 AN ACT RELATIVE TO EXPENDITURES OF MONEY BY THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY FOR THE PURPOSE OF PROMOTING THE RECREATIONAL ADVANTAGES OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county may, for the purpose of advertising the recreational advantages of said county, expend such sums, not exceeding, in the aggregate, twenty-five thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the purpose aforesaid. Said commissioners shall expend such sums only for advertising in newspapers, magazines and the like, or for booklets, posters or other forms of advertising, or for information booths within the county, or for displays or booths maintained at fairs or expositions outside the county for the purpose of advertising such advantages. In carrying out the provisions of this act the commissioners may designate an agent or agents to act for them; provided, that all bills incurred shall be accompanied by proper vouchers and shall be paid by the county treasurer only on warrants approved by the county commissioners or a majority of them.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used in the towns in Barnstable county at the biennial state election in the year nineteen hundred and thirty-eight the following question: — "Shall

an act passed by the general court in the year nineteen hundred and thirty-eight, entitled, 'An Act relative to Expenditures of Money by the County Commissioners of Barnstable County for the Purpose of Promoting the Recreational Advantages of Said County', be accepted?" If a majority of the votes cast in said county in answer to said question is in the affirmative, sections one and three of this act shall thereupon take full effect, but not otherwise.

SECTION 3. Chapter three hundred and eighteen of the acts of nineteen hundred and thirty-seven is hereby repealed.

Approved April 5, 1938.

AN ACT RELATIVE TO EXPENDITURES BY CITY OFFICERS DURING THE INTERVAL BETWEEN DECEMBER THIRTY-FIRST IN EACH YEAR AND THE TIME OF MAKING THE NEXT ANNUAL APPROPRIATION. Chap.170

Be it enacted, etc., as follows:

Chapter forty-four of the General Laws is hereby amended by striking out section thirty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 34.* In the period after the expiration of any fiscal year and before the regular appropriations have been made by the city council, the city officers who are authorized to make expenditures may incur liabilities in carrying on the work of the several departments intrusted to them, and payments therefor shall be made from the treasury from any available funds therein, and charged against the next annual appropriation; provided, that the liabilities incurred during such interval for regular employees do not exceed in any one month the average monthly expenditures of the last three months of the preceding fiscal year, and that the total liabilities incurred during said interval do not exceed in any one month the sums spent for similar purposes during any one month of the preceding fiscal year; and provided, further, that said officers who are authorized to make expenditures may expend in any one month for any new officer or board lawfully created an amount not exceeding one twelfth of the estimated cost for the current fiscal year. All interest and debt falling due in said interval shall be paid.

Approved April 5, 1938.

G. L. (Ter. Ed.), 44, § 34, amended.

Municipal expenditures in anticipation of appropriations.

AN ACT FURTHER REGULATING AND LIMITING THE SPEED OF CERTAIN HEAVY VEHICLES. Chap.171

Be it enacted, etc., as follows:

SECTION 1. Section thirty of chapter eighty-five of the General Laws, as amended by chapter thirty of the acts of nineteen hundred and thirty-five, is hereby further amended by inserting after the word "thereby" in the fortieth line the following new sentence: — The board or officer having charge of any bridge may make regulations prohibiting any

G. L. (Ter. Ed.), 85, § 30, etc., amended.

Use of
highways by
traction
engines and
other heavy
vehicles
regulated.

vehicle to which this section applies from passing over such bridge at a speed greater than six miles an hour, which regulations shall be in force if conspicuously posted at each end of such bridge with a statement of the load capacity of such bridge, — so as to read as follows: — *Section 30.* No vehicle shall travel or object be moved, on any public way, which has any device attached to or made a part of its wheels or the rollers or other supports on which it rests, which will injure the surface of the way; nor shall any vehicle travel or object be moved, on any public way, which weighs more than fourteen tons, or, in the case of a vehicle equipped with pneumatic tires, more than fifteen tons, without a permit from the board or officer having charge of such way, or, in case of a state highway, or a way determined by the department of public works to be a through route, from the commissioner of public works; provided, that no such permit shall be required for the operation of a semi-trailer unit or a vehicle having three axles, whether or not so equipped, which does not weigh more than twenty tons. No vehicle shall travel or object be moved on any public way, outside of the metropolitan parks or sewerage districts, the weight of which resting on the surface of such way exceeds eight hundred pounds upon any inch of the tire, roller or other support, without such a permit. Such a permit may limit the time within which it shall be in force and the ways which may be used and may contain any provisions or conditions necessary for the protection of such ways from injury. If, in the opinion of the board or officer having charge of any public way, the travel or moving thereon at any season of the year of any vehicle or object which weighs more than ten thousand pounds would cause injury to such way more serious than the ordinary wear and tear which the type of construction of such way is designed to withstand, such board or officer may by regulation prohibit such vehicle or object from passing over such way during such season without a permit therefor. All such regulations shall, when affecting ways which are determined by the department of public works to be through routes, be subject to the approval of such department. Such regulations shall be published and shall take effect as provided in case of rules and orders under section twenty-two of chapter forty and shall be posted in a conspicuous place at both ends of the part of said way from which traffic is prohibited thereby. The board or officer having charge of any bridge may make regulations prohibiting any vehicle to which this section applies from passing over such bridge at a speed greater than six miles an hour, which regulations shall be in force if conspicuously posted at each end of such bridge with a statement of the load capacity of such bridge. Any person driving, operating or moving a vehicle or object in violation of this section or of any regulation adopted hereunder, or the owner thereof, shall be liable in tort to the body politic or corporate having charge of the way for any injury to the

way thereby caused. All the aforesaid limitations as to weight shall be inclusive of the load.

SECTION 2. Said chapter eighty-five is hereby further amended by striking out section thirty-one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 31.* No vehicle which with its load weighs more than four tons shall, when equipped with metallic tires, travel upon any public way at a speed greater than four miles an hour.

Approved April 5, 1938.

G. L. (Ter. Ed.), 85, § 31, amended.

Speed regulated.

AN ACT RELATIVE TO THE DEVELOPMENT AND USE BY CITIES AND TOWNS OF SOURCES OF WATER SUPPLY WITHIN THEIR OWN LIMITS.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter forty of the General Laws is hereby amended by inserting after clause (5), as appearing in the Tercentenary Edition, the following new clause: —

G. L. (Ter. Ed.), 40, § 5, etc., amended.

(5A) For supplying itself and its inhabitants with water as authorized by law.

Municipal appropriations for water supply.

SECTION 2. Said chapter forty is hereby further amended by striking out section thirty-eight, as so appearing, and inserting in place thereof the following: — *Section 38.* A city, by a two thirds vote of its city council, ratified by a majority of the voters thereof at an election called for the purpose, or a town, by action of its selectmen, ratified by a majority of its voters present and voting thereon at a town meeting at which the voting list shall be used, may, for the purpose of supplying water to itself and its inhabitants, purchase of any municipal or other corporation the right to take water from its sources of supply or from its pipes; or may purchase its whole water rights, estates, franchises and privileges, and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; or, by its board of water commissioners or officers performing like duties, may contract with any such corporation for a supply of water. Any municipal corporation, by its water department, may make such a sale or enter into such a contract to supply water to a city or town.

G. L. (Ter. Ed.), 40, § 38, amended.

Purchase of existing water supply by cities and towns.

A city or town having a water supply or water distributing system may develop and use any source of water supply within its limits, not already appropriated for purposes of public water supply, and for such purpose may proceed under any laws applicable to such system as though the authority granted hereby had been contained in such laws; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the department of public health.

SECTION 3. Said chapter forty is hereby further amended by inserting after section thirty-nine, as so appearing, the

G. L. (Ter. Ed.), 40, new sections

39A-39G,
inserted.

Towns may
establish
water supply.

seven following new sections: — *Section 39A.* A town, by action of its selectmen, ratified by a majority of its voters present and voting thereon at a town meeting at which the voting list shall be used, may establish a water supply or water distributing system and maintain and operate the same, in accordance with the six following sections; but no such system shall be established to supply water in any town while the inhabitants of any part thereof are being served directly by a water company or a water supply district, water district, or fire district supplying water to its inhabitants, except in accordance with section thirty-eight or with special law.

Taking by
eminent
domain.

Section 39B. For the purpose of establishing a water supply or water distributing system as authorized by section thirty-nine A, any town, by its board of water commissioners or selectmen authorized to act as such, may take by eminent domain under chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring, stream or ground water sources within its limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; and also for said purpose may take by eminent domain under chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of the town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of sections thirty-nine A to thirty-nine E, inclusive, shall be subject to the approval of said department.

Construction,
etc., of reser-
voirs, etc.

Section 39C. A town may construct and maintain on the lands acquired and held by it under section thirty-nine B proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of the department of public health, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways, and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits,

pipes and other works, and for all other proper purposes of sections thirty-nine A to thirty-nine E, inclusive, a town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town or, in the case of a state highway, of the state department of public works; and provided, further, that no such town shall enter upon, or construct or lay any conduits, pipes or other works within, the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or, in case of failure so to agree, as may be approved by the department of public utilities.

Section 39D. Such a town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by said sections thirty-nine A to thirty-nine E, inclusive.

Temporary occupation.

Section 39E. The land, water rights and other property taken or acquired under section thirty-nine B, and all works, buildings and other structures erected or constructed under sections thirty-nine C and thirty-nine D, shall be managed, improved and controlled by a board of water commissioners to be elected as provided by section sixty-nine A of chapter forty-one, or by its selectmen authorized to act as such, in such manner as they shall deem for the best interests of the town.

Management of property taken.

Section 39F. Any person or corporation injured in his or its property by any action of a town under said sections thirty-nine A to thirty-nine E, inclusive, may recover damages from said town under chapter seventy-nine.

Recovery of damages for takings.

Section 39G. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under said sections thirty-nine A to thirty-nine E, inclusive, or injures any structure, work or other property owned, held or used by a town under the authority and for the purposes of said sections, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

Penalty for pollution, etc., of water supplies.

SECTION 4. Chapter forty-one of the General Laws is hereby amended by inserting after section sixty-nine, as so appearing, the two following new sections: — *Section 69A.* Any town establishing a water supply or water distributing system under authority of section thirty-nine A of chapter forty may establish a board of three water commissioners or authorize its selectmen to act as such. Such commissioners shall, in the first instance, be elected by ballot to hold office, one until the expiration of three years, one until

G. L. (Ter. Ed.), 41, new sections 69A and 69B, added.

Water commissioners, election of, term.

the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting; and at the annual town meeting held on the day on which the shortest of such terms expires, and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a board of water commissioners under authority of this section, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven, and the person so appointed shall perform the duties of the office until the next annual meeting of said town or until another person is qualified. Nothing herein contained shall prevent action under section twenty-one or sixty-nine.

Duties of
water
commissioners.

Section 69B. The water commissioners, or the selectmen authorized to act as such, in a town establishing a water supply or water distributing system under authority of section thirty-nine A of chapter forty shall have exclusive charge and control of the water department and water system, subject to all lawful by-laws and to such instructions, rules and regulations as the town may from time to time impose by its vote. They may establish fountains and hydrants, may relocate or discontinue the same, may regulate the use of the water and fix and collect just and equitable prices and rates for the use thereof, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for the purpose of a municipal water supply. If in any year there should be a net surplus remaining after providing for the aforesaid charges for that year, such surplus, or so much thereof as may be necessary to reimburse the town for moneys theretofore paid on account of its water department, shall be paid into the town treasury. If in any year there should be a net surplus remaining after providing for the aforesaid charges and for the payment of any such reimbursement in full, such surplus may be appropriated for such new construction as the water commissioners, or selectmen authorized to act as such, with the approval of the town, may determine upon; and in case a net surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners, or the selectmen authorized to act as such, shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of the receipts and expenditures.

SECTION 5. Section eight of chapter forty-four of the General Laws, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 44, § 8, amended.

(3) For establishing or purchasing a system for supplying a city or town and its inhabitants with water, for taking or purchasing water sources, or water or flowage rights, or for taking or purchasing land for the protection of a water system, thirty years.

Town may borrow outside the debt limit.

SECTION 6. Section three of chapter seventy-nine of the General Laws, as so appearing, is hereby amended by inserting after the word "void" in the twenty-second line the following: — ; and provided, further, that when a taking of any water, water source or water or flowage right is made the right to damages shall not vest until the water is actually withdrawn or diverted, — so that the first paragraph will read as follows: — The board of officers by whom an order of taking has been adopted under section one shall within thirty days thereafter cause a copy thereof, signed by them or certified by their secretary or clerk, or, in case of a taking by or on behalf of a city by a board of officers having no secretary or clerk, certified by the city clerk, to be recorded in the registry of deeds of every county or district in which the property taken or any of it lies. The copy of an order of taking made under chapter one hundred and fifty-nine in connection with proceedings thereunder to abolish grade crossings by the department of public works, or by the department of public utilities, may be filed and recorded without the payment of any fee therefor. Upon the recording of an order of taking under this section, title to the fee of the property taken or to such other interest therein as has been designated in such order shall vest in the body politic or corporate on behalf of which the taking was made; and the right to damages for such taking shall thereupon vest in the persons entitled thereto unless otherwise provided by law; provided, however, that when a taking is made for the purpose of a highway or town way or for ditches or drains for draining the same, the right to damages shall not vest until such way, drain or ditch has been entered upon or possession thereof has been taken for the purpose of constructing the same, and if such entry is not made or possession taken within two years of the date of the order, the taking shall be void; and provided, further, that when a taking of any water, water source or water or flowage right is made the right to damages shall not vest until the water is actually withdrawn or diverted.

G. L. (Ter. Ed.), 79, § 3, amended.

Recording, order of taking.

SECTION 7. Section nine of said chapter seventy-nine, as so appearing, is hereby amended by inserting after the word "use" in the nineteenth line the following: — , or, in the case of injury to any water, water source or water or flowage right, until the water is actually withdrawn or diverted, — so that the last sentence will read as follows: — The damages shall be assessed as of the date when the vote or order is adopted, but the right to damages shall not vest and the

G. L. (Ter. Ed.), 79, § 9, amended.

Award of damages in certain cases.

damages shall not be paid until the work which caused the injury has been completed, or until the public improvement which has been discontinued has ceased to be open to public use, or, in the case of injury to any water, water source or water or flowage right, until the water is actually withdrawn or diverted, and if the order does not go into effect, or is rescinded or altered, only so much of the damages shall be paid as has been actually sustained.

Approved April 5, 1938.

*Chap.*173 AN ACT EXTENDING THE PERIOD OF PUBLIC CONTROL AND MANAGEMENT OF THE EASTERN MASSACHUSETTS STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Upon the termination on the fifteenth day of January, nineteen hundred and thirty-nine, of the five year period of the management and control by trustees of the Eastern Massachusetts Street Railway Company, hereinafter called the company, under the provisions of chapter one hundred and eight of the acts of nineteen hundred and thirty-three, the public management and control of the company by trustees shall be extended, subject to the provisions of chapter two hundred and ninety-eight of the acts of nineteen hundred and twenty-eight and of this act, for a period of five years from said date. Except as hereinafter otherwise expressly provided, the provisions of said chapter two hundred and ninety-eight shall remain in full force and effect for such further period of five years.

SECTION 2. Upon the filing with the state secretary of a certified copy of the vote of acceptance provided for in section four hereof, trustees shall be appointed and confirmed as provided in section two of said chapter two hundred and ninety-eight, with the powers, duties and responsibilities set forth in said chapter, for terms of five years from the fifteenth day of January, nineteen hundred and thirty-nine. If upon said date trustees have not been appointed and confirmed as aforesaid, the trustees who shall hold office on the fourteenth day of said January, under the provisions of said chapter one hundred and eight of the acts of nineteen hundred and thirty-three, shall be trustees under the provisions of this act until trustees shall have been appointed and confirmed under the provisions hereof. The trustees appointed or existing under the provisions of this act shall, on said fifteenth day of January, nineteen hundred and thirty-nine, assume the management and control of the company and, subject to the provisions of said chapter two hundred and ninety-eight and of this act, shall continue to exercise said management and control during said period of five years.

SECTION 3. For the purposes of this act, the words "extended period specified in section one", as used in section five of said chapter two hundred and ninety-eight, shall

include the period of extension granted by this act; the words "expiration of the five year period of management and operation by trustees as herein provided", as used in section eleven of said chapter, shall mean the expiration of the period of extension granted by this act; and the words "close of the period of management and control by trustees as provided for by the special act", as used in section nine of said chapter two hundred and ninety-eight, shall mean the close of the period of extension granted by said chapter one hundred and eight of the acts of nineteen hundred and thirty-three.

SECTION 4. This act shall take effect as of January fifteenth, nineteen hundred and thirty-nine, except for the purpose of its acceptance as hereinafter provided and for the purpose of appointing trustees hereunder, upon its acceptance by the company given by a vote of the holders of not less than a majority of all the stock of the company at a meeting held for the purpose, a copy of which vote, certified by the clerk of the company, shall be filed with the state secretary; provided, however, that this act shall become void unless such a certified copy of said vote of acceptance shall be so filed on or before November first, nineteen hundred and thirty-eight.

Approved April 5, 1938.

AN ACT RELATIVE TO THE USE OF INFORMATION AND RECORDS IN CASES OF WAYWARDNESS OR DELINQUENCY. Chap. 174

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and nineteen of the General Laws is hereby amended by striking out section sixty, as appearing in the Tercentenary Edition, and inserting in place thereof the two following sections:— *Section 60.* An adjudication of any child as a wayward child or delinquent child under sections fifty-two to fifty-nine, inclusive, or the disposition thereunder of any child so adjudicated, or any evidence given in any case arising under said sections, shall not be lawful or proper evidence against such child for any purpose in any proceeding in any court, and records in cases arising against any child under said sections shall not be received in evidence or used in any way in any such proceeding, except in subsequent proceedings for waywardness or delinquency against the same child and except in imposing sentence in any criminal proceeding against the same person.

G. L. (Ter. Ed.), 119, § 60, amended, § 60A, added.

Record of proceedings not admissible as evidence. Exceptions.

Section 60A. The records of the court or the superior court on appeal in all cases of waywardness or delinquency arising under sections fifty-two to fifty-nine, inclusive, shall be withheld from public inspection except with the consent of a justice of such court, but such records in any such case against any particular child shall be open, at all reasonable times, to the inspection of the child, his or her parent or parents, guardian and attorney, or any of them.

Court records not open to public inspection.

G. L. (Ter. Ed.), 31, § 13, amended.

Statements required of applicants for civil service examinations.

G. L. (Ter. Ed.), 276, § 90, amended.

Inspection of records by probation officers.

SECTION 2. Section thirteen of chapter thirty-one of the General Laws, as so appearing, is hereby amended by adding at the end the following:— or as to any act of waywardness or delinquency committed before the applicant reached the age of seventeen, — so as to read as follows:— *Section 13.* Every application shall state under oath the full name, residence and post office address, citizenship, age, place of birth, health and physical capacity, right of preference as a veteran, previous employment in the public service, occupation and residence for the previous five years and education of the applicant, and such other information as may be reasonably required relative to his fitness for the public service; but no question shall be asked in such application or in any examination requiring a statement as to any offence committed before the applicant reached the age of sixteen or as to any act of waywardness or delinquency committed before the applicant reached the age of seventeen.

SECTION 3. Section ninety of chapter two hundred and seventy-six of the General Laws, as so appearing, is hereby amended by adding at the end the following:— ; provided, that his records in cases arising under sections fifty-two to fifty-nine, inclusive, of chapter one hundred and nineteen shall not be open to inspection without the consent of a justice of his court, — so as to read as follows:— *Section 90.* A probation officer shall not be an active member of the regular police force, but so far as necessary in the performance of his official duties shall, except as otherwise provided, have all the powers of a police officer, and if appointed by the superior court may, by its direction, act in any part of the commonwealth. He shall report to the court, and his records may at all times be inspected by police officials of the towns of the commonwealth; provided, that his records in cases arising under sections fifty-two to fifty-nine, inclusive, of chapter one hundred and nineteen shall not be open to inspection without the consent of a justice of his court.

Approved April 5, 1938.

Chap. 175 AN ACT RELATIVE TO APPROPRIATIONS AND ASSESSMENT OF TAXES IN CITIES, OTHER THAN BOSTON, FAILING TO COMPLY WITH THE ANNUAL BUDGET OR CERTAIN OTHER LEGAL REQUIREMENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 44, § 32, amended.

Annual budgets in cities, preparation of.

SECTION 1. Section thirty-two of chapter forty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new paragraph:—

If, upon the expiration of sixty days after the annual organization of the city government in any year, the mayor or commissioner or director of finance, as the case may be, shall not have submitted to the city council the annual budget for said year, the city council shall forthwith upon its

own initiative prepare the annual budget; and in such case the city council shall have the same authority to require estimates of the expenditures of the several departments and offices of the city as is hereinbefore given to the mayor or commissioner or director of finance, as the case may be. As soon as may be after its preparation of the annual budget, the city council shall proceed to act thereon and all amounts voted by it shall be valid appropriations for the purposes stated therein without the approval of the mayor or commissioner or director of finance, as the case may be.

SECTION 2. Section twenty-three of chapter fifty-nine of the General Laws, as so appearing, is hereby amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 59, § 23, amended.

If, prior to May tenth in any year, the assessors of any city except Boston shall not have received from the city clerk a certificate under section fifteen A of chapter forty-one of the appropriations voted for the annual budget for said year and if it appears to them, after inquiry of the city clerk, that such appropriations have not been voted, they shall forthwith assess a tax for said year in accordance with the provisions of this section, except that, in determining the amount of the tax to be assessed, there shall be considered as having been appropriated for the annual budget for said year an amount equal to the aggregate appropriations voted for the annual budget for the next preceding year.

Fixing of annual assessment of taxes in case of failure to pass city budget.

Approved April 5, 1938.

AN ACT RELATIVE TO THE KINDS OF BUSINESS THAT FIRE INSURANCE COMPANIES MAY TRANSACT. *Chap. 176*

Be it enacted, etc., as follows:

Section forty-seven of chapter one hundred and seventy-five of the General Laws is hereby amended by striking out clause First, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — First, To insure against loss or damage to property by fire, smoke, smudge, lightning and other electrical disturbances, collision, collapse, fall, wind, tornado, tempest, cyclone, earthquake, volcanic eruption, hail, frost, snow, ice, weather or climatic conditions, including excess or deficiency of moisture, flood, rain or drought, rising of the waters of the ocean or its tributaries, bombardment, invasion, foreign enemies, insurrection, riot, sabotage, war, civil war or commotion, military or usurped power, vandalism, malicious mischief, strikes, labor disturbances, looting, explosion fire ensuing, and explosion no fire ensuing except explosion of steam boilers and flywheels; also to insure against loss or damage by insects, disease or other causes, to trees, crops or other products of the soil; and against loss of use or occupancy due to any of said causes.

G. L. (Ter. Ed.), 175, § 47, amended.

Fire insurance companies, kinds of business authorized.

Approved April 5, 1938.

Chap.177 AN ACT TO AUTHORIZE MASSACHUSETTS BONDING AND INSURANCE COMPANY TO ACQUIRE AND USE CERTAIN ADDITIONAL REAL ESTATE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Massachusetts Bonding and Insurance Company, incorporated July twenty-ninth, nineteen hundred and seven, notwithstanding the provisions of section sixty-four of chapter one hundred and seventy-five of the General Laws, but subject to the approval of the commissioner of insurance, may invest in, own and hold real estate in the city of Boston, to be used in whole or in part for the convenient transaction of its business, to an amount not exceeding eight hundred thousand dollars in addition to any investment in real estate now authorized under the provisions of said section sixty-four; provided, that nothing contained herein shall be construed as authorizing a total investment by said company in real estate for use in whole or in part for the convenient transaction of its business exceeding, in the aggregate, the sum of three million dollars at any one time.

Approved April 5, 1938.

Chap.178 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CITY AUDITOR OF THE CITY OF LOWELL UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of city auditor of the city of Lowell shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date may continue therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Lowell at the biennial state election in the current year in the form of the following question, which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the Office of the City Auditor of the City of Lowell under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 5, 1938.

AN ACT PROVIDING FOR SESSIONS OF REGISTRARS OF VOTERS
IN ALL THE WARDS OF EVERY CITY PRIOR TO THE BIENNIAL
STATE ELECTION. *Chap.179*

Be it enacted, etc., as follows:

Chapter fifty-one of the General Laws is hereby amended by inserting after section twenty-nine A, as appearing in the Tercentenary Edition, the following new section:—
Section 29B. In cities the registrars shall, within forty days before the biennial state election, but on or before the last day fixed for registration, hold one or more sessions in one or more suitable places in each ward of the city.

G. L. (Ter. Ed.), 51, new section 29B, added.

Sessions of registrars in cities.

Approved April 5, 1938.

AN ACT TO AUTHORIZE ANY CITY OR TOWN TO EXPEND
MONEY IN CO-OPERATION WITH THE FEDERAL GOVERN-
MENT PRIOR TO THE PASSAGE OF ITS ANNUAL BUDGET. *Chap.180*

Be it enacted, etc., as follows:

SECTION 1. Cities and towns may, in the period after the expiration of any fiscal year and before the regular appropriations have been made, through their duly authorized officers, incur liabilities for the purpose of providing co-operation with the federal government in unemployment relief and other projects, of direct or indirect benefit to the city or town or its inhabitants, and payments therefor shall be made from the treasury from any available funds therein, and charged against the next annual appropriation, or, if no appropriation is made, the amount so paid shall be raised by the assessors under section twenty-three of chapter fifty-nine of the General Laws; provided, that the liabilities incurred under authority of this act during said interval do not exceed in any one month one twelfth of the sum spent for similar purposes during the preceding year; and provided, further, that the aggregate expenditures under this act do not exceed in any one year one third of the aggregate amount expended for similar purposes in the preceding year.

SECTION 2. This act shall not be operative after July first, nineteen hundred and forty-one.

Approved April 5, 1938.

AN ACT AUTHORIZING ANY FIRE INSURANCE COMPANY TO
INCLUDE IN THE STANDARD FIRE POLICY ANY INSURANCE
COVERAGE THERETOFORE TRANSACTED UNDER A SPECIAL
LICENSE. *Chap.181*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175,
§ 22A, etc.,
amended.

Section twenty-two A of chapter one hundred and seventy-five of the General Laws, as amended by chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-five, is hereby further amended by adding at the end the following: — , and any insurance coverage for the transaction of which it has received a license from the commissioner under clause (g) of section fifty-one or under clause (g) of section fifty-four, — so that the last paragraph will read as follows: —

Standard
fire policies,
coverage.

Any company authorized to insure against the hazards specified in the first clause of section forty-seven may incorporate in the standard fire policy prescribed by section ninety-nine in the manner provided in the ninth clause of said section, coverage against loss or damage by any of the hazards set forth in the said first clause and in subdivision (f) of the second clause, and the eighth clause of said section forty-seven, and any insurance coverage for the transaction of which it has received a license from the commissioner under clause (g) of section fifty-one or under clause (g) of section fifty-four.

Approved April 7, 1938.

Chap.182 AN ACT RELATIVE TO APPROPRIATIONS FOR SCHOOL PURPOSES IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Cambridge shall annually appropriate money for the maintenance of the schools and school buildings in said city, and for the salaries of all teachers and other employees, including janitors of school buildings, employed by them; provided, that the words "maintenance of school buildings" shall not include the restoration of a school building when damaged or destroyed by fire, explosion, or other unavoidable casualty. Each such appropriation shall be submitted by the school committee in budget form to the mayor for his approval and shall be subject to section fifty-five of chapter forty-three of the General Laws in like manner as orders or votes of the city council, except that the affirmative vote of five members of the school committee shall be necessary to pass the appropriation over the veto of the mayor.

SECTION 2. So much of the provisions of section thirty-one of chapter three hundred and sixty-four of the acts of eighteen hundred and ninety-one, as amended by section two of chapter five hundred and sixty-six of the acts of nineteen hundred and seven, by chapter three hundred and sixty-two of the acts of nineteen hundred and eight, by chapter three hundred and ninety-five of the acts of nineteen hundred and nine and by section one of chapter eight hundred and four of the acts of nineteen hundred and thirteen, and so much of the provisions of chapter four hundred and forty-one of the acts of nineteen hundred and eleven,

of chapter two hundred and forty-eight of the Special Acts of nineteen hundred and nineteen, of chapter one hundred and eighty-four of the acts of nineteen hundred and twenty-six, and of chapter three hundred and seventy-two of the acts of nineteen hundred and thirty, as regulates appropriations for school purposes in said city and as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 7, 1938.

AN ACT AUTHORIZING HOLYOKE WATER POWER COMPANY TO INCREASE ITS CAPITAL STOCK, TO CHANGE THE PAR VALUE OF ITS SHARES AND TO ISSUE BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS. *Chap. 183*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Holyoke Water Power Company, incorporated by chapter six of the acts of eighteen hundred and fifty-nine, is hereby authorized to increase its capital stock for any and all its corporate purposes authorized by law by such an amount that the total receipts by said company from the sale of the additional capital stock hereby authorized, when issued as hereinafter provided, will amount to a sum not exceeding three million dollars in cash. Said increased capital stock shall be issued for cash, at not less than par, pursuant to the provisions of chapter one hundred and fifty-six of the General Laws relating to business corporations.

SECTION 2. Said company may, at a meeting duly called for the purpose, by the vote of a majority in interest of all its outstanding stock, authorize a change of the par value of the shares of its capital stock. Articles of amendment setting forth such change signed by the president, treasurer and a majority of the directors of said company shall be approved and filed in the manner provided in said chapter one hundred and fifty-six with respect to similar amendments of articles of organization of other corporations subject to said chapter.

SECTION 3. The said Holyoke Water Power Company may issue from time to time such amount of bonds, coupon notes, and other evidences of indebtedness payable at periods of more than one year after date thereof as the commissioner of corporations and taxation may from time to time determine to be reasonably necessary for its corporate purposes.

SECTION 4. Nothing in this act shall be construed to enlarge or diminish the corporate powers of said company under chapter six of the acts of eighteen hundred and fifty-nine, chapter seventy-two of the acts of eighteen hundred

and eighty-nine, chapter three hundred and fifty of the acts of nineteen hundred and three, as amended by chapter one hundred and fifty-two of the acts of nineteen hundred and nine, chapter fifty-four of the acts of nineteen hundred and twenty-four or chapter one hundred and forty-seven of the acts of nineteen hundred and twenty-six, except as provided by the three preceding sections of this act.

Approved April 7, 1938.

*Chap.*184 AN ACT RELATIVE TO AN APPROPRIATION BY THE TOWN OF BARNSTABLE IN THE CURRENT YEAR FOR ADVERTISING THE TOWN AND FOR PUBLIC AMUSEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Barnstable may, by a majority vote at a town meeting called for the purpose during the current year, appropriate a sum not exceeding three thousand dollars for the purpose of advertising the advantages of the town and for providing amusements or entertainments of a public character, notwithstanding any provision of section one of chapter three hundred and eighty-two of the acts of nineteen hundred and twenty-four, as amended by section one of chapter thirty-three of the acts of the current year.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1938.

*Chap.*185 AN ACT ESTABLISHING THE TIME WITHIN WHICH PETITIONS MAY BE FILED BY MORTGAGEES FOR THE ASSESSMENT OF DAMAGES IN CONNECTION WITH PROPERTY TAKEN BY EMINENT DOMAIN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 79, § 16, etc., amended.

Section sixteen of chapter seventy-nine of the General Laws, as amended by section two of chapter one hundred and eighty-seven of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting after the word "person" in the third line the following: — , including every mortgagee of record, — and by striking out all after the word "property" in the tenth line, — so as to read as follows: — *Section 16.* A petition for the assessment of damages under section fourteen may be filed within one year after the right to such damages has vested; but any person, including every mortgagee of record, whose property has been taken or injured, and who has not received notice under section eight or otherwise of the proceedings whereby he is entitled to damages at least sixty days before the expiration of such year, may file such petition within six months from the time when possession of his property has been taken or he has otherwise suffered actual injury in his property.

Approved April 7, 1938.

Time of filing petitions.

AN ACT RELATIVE TO EXEMPTIONS FROM THE PAYMENT OF POLL TAXES AND RELATIVE TO THE ANNUAL LISTING OF RESIDENTS OF CITIES AND TOWNS. Chap. 186

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter fifty-one of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section one of chapter one of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — Except as otherwise provided by law, the assessors, assistant assessors, or one or more of them shall annually, in January or February, visit every building in their respective cities and towns, and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, age, occupation, nationality if not a citizen of the United States, and residence on January first in the preceding year and in the current year, of every male person twenty years of age or older, residing in their respective cities and towns, liable to be assessed for a poll tax; and shall also make true lists containing the same facts relative to every woman twenty years of age or older residing in their respective cities and towns.

G. L. (Ter. Ed.), 51, § 4, etc., amended.

Assessors to make lists of certain residents, etc.

SECTION 2. Said chapter fifty-one is hereby further amended by striking out section eight, as most recently amended by section two of said chapter one, and inserting in place thereof the following: — *Section 8.* If a male resident in a city or town, except in one having a listing board, on January first was not assessed for a poll tax, or if a woman in such a city or town was not listed under section four, such person shall, in order to establish his right to be assessed or listed, present to the assessors before the close of registration a sworn statement that he was on said day a resident of such city or town, and a sworn list of his polls and estate. If the assessors are satisfied that such statement is true, they shall assess or list him, as the case may be, and give him a certificate thereof.

G. L. (Ter. Ed.), 51, § 8, etc., amended.

Assessment of persons not previously assessed.

SECTION 3. Chapter fifty-nine of the General Laws is hereby amended by striking out section one, as amended by section one of chapter two hundred and two of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 1.* In the year nineteen hundred and thirty-nine and annually thereafter a poll tax of two dollars shall be assessed on every male inhabitant of the commonwealth above the age of twenty, whether a citizen of the United States or an alien.

G. L. (Ter. Ed.), 59, § 1, etc., amended.

Poll tax.

SECTION 4. Section five of said chapter fifty-nine, as most recently amended by chapter forty-seven of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after clause Seventeenth the following new clause: —

G. L. (Ter. Ed.), 59, § 5, etc., amended.

Exemptions.

Seventeenth A, Male inhabitants of the commonwealth who are seventy years of age or over, or who, during the preceding calendar year, were recipients of old age assistance or of aid furnished by municipalities from funds appropriated by them for the relief, support, maintenance and employment of the poor, shall be assessed for, but shall be exempt at their request from the payment of, a poll tax.

Effective date.

SECTION 5. This act shall take effect on December thirty-first, nineteen hundred and thirty-eight.

Approved April 7, 1938.

Chap.187 AN ACT RELATIVE TO THE APPOINTMENT OF THE CLERK OF COMMITTEES IN THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. The clerk of committees in the city of Fall River shall be appointed by the mayor, subject to confirmation by the city council, to hold office for two years and until his successor is qualified, notwithstanding any provision of chapter forty-three of the General Laws to the contrary.

SECTION 2. This act shall take effect on the first Monday of January in the year nineteen hundred and thirty-nine.

Approved April 7, 1938.

Chap.188 AN ACT PROVIDING FOR THE ELECTION OR APPOINTMENT OF AN APPROPRIATION, ADVISORY OR FINANCE COMMITTEE BY THE TOWN OF HOLLISTON.

Be it enacted, etc., as follows:

SECTION 1. The town of Holliston, notwithstanding the provisions of section sixteen of chapter thirty-nine of the General Laws, may provide by by-law for the election of an appropriation, advisory or finance committee, as well as for the appointment of such a committee under said section sixteen. Any by-law of said town authorizing the election of such a committee adopted prior to the effective date of this act, and all acts done by a committee so elected, are hereby confirmed and made valid to the same extent as if this act had been in effect at the time of the adoption of such by-law.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the registered voters of the town of Holliston voting thereon at the annual town meeting in the year nineteen hundred and thirty-nine or at a special town meeting held prior thereto.

Approved April 7, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CITY ENGINEER OF THE CITY OF MEDFORD UNDER THE CIVIL SERVICE LAWS. *Chap.189*

Be it enacted, etc., as follows:

SECTION 1. The office of city engineer of the city of Medford shall, upon the effective date of this act, become subject to the civil service laws, rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date may continue therein without taking a civil service examination.

SECTION 2. This act shall be submitted to the registered voters of said city at the biennial state election in the current year in the form of the following question, which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the Office of City Engineer of the City of Medford under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect; but not otherwise.

Approved April 7, 1938.

AN ACT LIMITING THE PLACING OF THE WORDS "CANDIDATE FOR RE-ELECTION" ON OFFICIAL BALLOTS FOR THE ELECTION OF OFFICERS IN TOWNS. *Chap.190*

Be it enacted, etc., as follows:

The third paragraph of section forty-one of chapter fifty-four of the General Laws, as amended by section two of chapter thirty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "an" in the fourteenth line the word: — elected, — so as to read as follows: —

To the name of each candidate for a state or city office, except city offices in cities where political designations are forbidden, shall be added in the same space his party or political designation or designations. To the name of a candidate for a state or city office who is an elected incumbent thereof and who is one of two or more candidates therefor bearing the same name, there shall be added in the same space the words "Candidate for Re-election". To the name of each candidate for a town office upon an official ballot shall be added the designation of the party or principle which he represents, contained in the certificate of nomination or nomination papers. To the name of each candidate for a town office upon an official ballot who is an elected incumbent thereof shall be added the words "Candidate for Re-election". The town clerk shall add the words "Caucus Nominee" to the name of any candidate nominated for a

G. L. (Ter. Ed.), 54, § 41, etc., amended.

Ballots, certain designations to go thereon.

town office by a caucus held under the provisions of sections one hundred and seventeen to one hundred and twenty, inclusive, of chapter fifty-three. *Approved April 7, 1938.*

Chap.191 AN ACT TENDING TO PREVENT FRAUDULENT OR INVALID SIGNATURES ON INITIATIVE AND REFERENDUM PETITIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, new section 22B, added.

Invalid, etc., signatures on initiative, etc., petitions.

Chapter fifty-three of the General Laws is hereby amended by inserting after section twenty-two A, as amended by chapter eighty of the acts of nineteen hundred and thirty-two, the following new section: — *Section 22B.* Each initiative or referendum petition filed with the state secretary shall contain a statement, signed under the penalties of perjury by the person who circulated the petition, that each person whose name appears on said petition signed the same in person.

Approved April 7, 1938.

Chap.192 AN ACT PROVIDING FOR THE GIVING AND TAKING OF RECEIPTS FOR INITIATIVE AND REFERENDUM PETITIONS BY REGISTRARS OF VOTERS IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, § 22A, etc., amended.

Objections to signatures to initiative, etc., petitions.

Section twenty-two A of chapter fifty-three of the General Laws, as amended by chapter eighty of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word “registrars” in the ninth line the following new sentence: — Registrars shall receipt in writing for each initiative or referendum petition submitted to and received by them, and shall deliver such petitions only on receiving written receipts therefor, — so as to read as follows: — *Section 22A.* The provisions of law relative to the signing of nomination papers of candidates for state office, and to the identification and certification of names thereon and submission to the registrars therefor, shall apply, so far as apt, to the signing of initiative and referendum petitions and to the identification and certification of names thereon, and, except as otherwise provided, to the time of their submission to the registrars. Registrars shall receipt in writing for each initiative or referendum petition submitted to and received by them, and shall deliver such petitions only on receiving written receipts therefor. Objections that signatures appearing on an initiative or referendum petition have been forged or placed thereon by fraud and that in consequence thereof the petition has not been signed by a sufficient number of qualified voters actually supporting such petition, as required by the constitution, may be filed with the state secretary not later than the sixtieth day prior to the election at which the measure therein proposed or the law which is the subject of the petition is to be submitted to the voters, except that, if a referendum petition

is lawfully filed after the sixty-third day prior to said election, such objections may be filed not later than seventy-two week day hours succeeding five o'clock of the day on which such petition is so filed. If upon hearing or otherwise it appears to the state secretary that there is substantial evidence supporting such objections, he shall refer the same to the state ballot law commission, which shall investigate the same, and for such purpose may exercise all the powers conferred upon it relative to objections to nominations for state offices, and if it shall appear to said commission that the objections have been sustained it shall forthwith reject the petition as not in conformity with the constitution and shall notify the state secretary of its action.

Approved April 7, 1938.

AN ACT ESTABLISHING THE OFFICE OF SECOND ASSISTANT CLERK IN THE SECOND DISTRICT COURT OF BRISTOL. *Chap. 193*

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter two hundred and eighteen of the General Laws, as most recently amended by section one of chapter two hundred and ninety-seven of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "Essex" in the twenty-fifth line the words: — , the second district court of Bristol, — so as to read as follows: — *Section 10.* The clerk of a district court may, subject to the approval of the justice, appoint one or more assistant clerks, who shall be removable at his pleasure or at the pleasure of the court, for whose official acts the clerk shall be responsible and who shall be paid by him unless salaries payable by the county are authorized in this section or in section fifty-three. Assistant clerks with salaries payable by the county may be appointed in the central district court of northern Essex, the municipal court of the Charlestown district, the municipal court of the Brighton district, the district court of western Hampden, the district court of Newton, the district court of northern Norfolk and in courts the judicial districts of which have, according to the national or state census last preceding, a population of sixty thousand or more. Second assistant clerks with salaries payable by the county may be appointed in the municipal court of the Roxbury district, the East Boston district court, the municipal court of the Charlestown district, the municipal court of the Dorchester district, the municipal court of the Brighton district, the municipal court of the West Roxbury district, the central district court of Worcester, and, subject to the approval of the county commissioners, in the first district court of eastern Middlesex, the third district court of eastern Middlesex, the district court of southern Essex, the second district court of Bristol, the third district court of Bristol and the district court of East Norfolk.

G. L. (Ter. Ed.), 218, § 10, etc., amended.

Assistant clerks in district courts.

Third assistant clerks with salaries payable by the county may be appointed in the municipal court of the Roxbury district and, subject to the approval of the county commissioners, in the first district court of eastern Middlesex and the third district court of eastern Middlesex.

Acceptance
provisions.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the county commissioners of the county of Bristol, but not otherwise.

Approved April 7, 1938.

Chap. 194 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF COMMISSIONER OF WELFARE OF THE CITY OF REVERE UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of commissioner of welfare of the city of Revere shall, upon the effective date of this act, become subject to the civil service laws, rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date may continue therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Revere at its city election in the current year in the form of the following question, which shall be placed upon the official ballot to be used at said election:—"Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the office of commissioner of welfare of the city of Revere under the civil service laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 7, 1938.

Chap. 195 AN ACT RELATIVE TO THE GIVING OF WELFARE RELIEF IN THE CITY OF FALL RIVER BY FURNISHING FOOD.

Be it enacted, etc., as follows:

Where the board of public welfare of the city of Fall River furnishes an applicant for relief with food in lieu of cash, such applicant shall have the right to select such food as he may desire not to exceed in cost the amount of money determined by the board of public welfare or its agent to be the amount reasonably necessary for the relief of such applicant.

Approved April 7, 1938.

AN ACT INCREASING THE ALLOTMENT TO THE STATE LIBRARY *Chap. 196*
OF THE ANNUAL BLUE BOOK EDITION, SO CALLED, OF THE
ACTS AND RESOLVES.

Be it enacted, etc., as follows:

Section three of chapter five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the twelfth line, the word "twenty-five" and inserting in place thereof the words:— for use therein and for the purpose of exchange, one hundred, — and by striking out, in the thirty-third line, the words "normal schools" and inserting in place thereof the words:— teachers colleges, — so that the paragraphs contained in the twelfth to the forty-second lines, inclusive, will read as follows:—

G. L. (Ter.
Ed.), 5, § 3,
amended.

To the state library, for use therein and for the purpose of exchange, one hundred;

Annual distribution
of the laws.

To the governor, the lieutenant governor, the members of the executive council, the private secretary to the governor, the attorney general and his assistants, the adjutant general, every permanent state department, board and commission having an office and clerk and to such divisions thereof as in the opinion of the secretary require a copy for official use, the senators and representatives in congress from the commonwealth, the justices, clerks and registers of courts, such assistant clerks of courts for official use as the state secretary may designate, the reporter of decisions, district attorneys, county commissioners, county treasurers, registers of deeds, medical examiners, sheriffs, city and town clerks, city treasurers, city auditors, town treasurers and town auditors of towns having a population of over twenty-five thousand as determined by the last preceding state or national census, the warden of the state prison, the superintendent of the Massachusetts reformatory, the superintendent of the reformatory for women, keepers of jails and houses of correction, superintendents of state hospitals, superintendents of the Lyman and industrial schools, superintendents of the state infirmary and the state farm, Harvard University and all incorporated colleges within the commonwealth, the Massachusetts Historical Society, the New England Historic Genealogical Society, the Boston Athenæum, the American Antiquarian Society in Worcester, the state teachers colleges, such free public libraries and branches thereof in the commonwealth as the state secretary may designate, county law libraries, all incorporated law libraries and branch libraries maintained by them, veteran organizations having headquarters in the state house, the justices of the supreme court of the United States, the judges and clerks of the United States circuit court of appeals and district court for the district of Massachusetts, one, each; to the clerks of the supreme judicial court and

the superior court, a number sufficient to supply two copies at each place where regular or adjourned sessions of said courts are held;
Approved April 7, 1938.

Chap.197 AN ACT PERMITTING ACCEPTANCE OF CERTAIN PAYMENTS BY
 CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

G. L. (Ter.
 Ed.), 170,
 new section
 32A, added.

Acceptance
 of certain
 payments.

Chapter one hundred and seventy of the General Laws is hereby amended by inserting after section thirty-two, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, the following new section, under the following caption:— *Other Authorized Payments. Section 32A.* The corporation may accept payments other than those required by section twenty-seven, which shall be kept in a separate account to be applied by the corporation to the payments required by said section and to taxes, betterment assessments, and insurance premiums applicable to the mortgaged property, but the acceptance of payments under this section shall not constitute a waiver of the provisions for payments contained in the mortgage and note given the corporation by the borrower.
Approved April 7, 1938.

Chap.198 AN ACT PERMITTING CERTAIN INSURANCE COMPANIES TO
 INSURE OUTSIDE THE COMMONWEALTH REAL PROPERTY
 AGAINST ALL RISKS OR HAZARDS.

Emergency
 preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
 Ed.), 175,
 § 54A, etc.,
 amended.

Certain insur-
 ance companies
 authorized to
 insure per-
 sonal property
 outside the
 commonwealth.

Section fifty-four A of chapter one hundred and seventy-five of the General Laws, inserted by chapter one hundred and sixty-five of the acts of nineteen hundred and thirty-two, is hereby amended by striking out, in the fifth line, the word "personal". — so as to read as follows:— *Section 54A.* Any domestic company authorized to transact any of the kinds of business specified in the second clause of section forty-seven may, outside the commonwealth, make contracts of insurance insuring property of any kind or description against any and all risks of loss or damage.

Approved April 11, 1938.

Chap.199 AN ACT RELATIVE TO THE MAKING BY CO-OPERATIVE BANKS
 OF LOANS UPON REAL ESTATE DIFFERING FROM ORDINARY
 CO-OPERATIVE BANK LOANS.

Emergency
 preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be

an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-five, as most recently amended by chapter two hundred and thirty-three of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the second line, the word "six" and inserting in place thereof the word:— nine, — by inserting after the word "thereof" in the twenty-sixth line the following:— , and may contain provisions requiring the borrower to pay with each monthly payment as hereinbefore provided a monthly apportionment of estimated taxes, betterment assessments and insurance premiums, — and by adding at the end the following new paragraph:— Any such bank may accept principal payments in excess of payments required under any such mortgage, in which event the directors may reduce the monthly payments as set forth in said mortgage; provided, that such reduced payments shall in no event extend the original term of the mortgage, — so as to read as follows:— Any co-operative bank established under the laws of the commonwealth may within nine years from the effective date of this act make loans, for not less than five nor more than twenty years, secured by mortgages of real estate situated in the commonwealth, the title to which is in the name of the borrower and which is unencumbered by any mortgage or lien other than municipal liens or mortgages held by the bank making the loan; but no loan shall be made hereunder if thereby the aggregate of all loans upon real estate by such bank to any one borrower would exceed ten thousand dollars, or if thereby the aggregate of all loans upon real estate by such bank which, as to any one borrower, exceed eight thousand dollars and include a loan or loans made under this act would at any time be in excess of five per cent of the aggregate amount of all loans secured by mortgages of real estate held by such bank. Each loan hereunder shall be further secured by a promissory note in the full sum loaned, signed by the borrower, shall be upon improved real estate and shall not exceed eighty per cent of the value of the mortgaged property as certified by the security committee of such bank. Every such mortgage shall contain provisions calling for fixed monthly payments in the same amount during the term of the loan, which payments shall be applied first to interest and the balance thereafter remaining applied to principal, the interest to be computed monthly on the unpaid balance thereof, and may contain provisions requiring the borrower to pay with each monthly payment as hereinbefore provided a monthly apportionment of estimated taxes, betterment assessments and insurance premiums. The borrower, and each subsequent owner of the equity of redemption of such real estate, shall at all times be a member of the bank, hold-

ing one or more unmatured, paid-up or matured shares, in his own name. Failure to comply with the foregoing requirement shall constitute a breach of condition for which the unpaid balance of said loan shall become due and payable forthwith, at the option of the bank.

Any such bank may accept principal payments in excess of payments required under any such mortgage, in which event the directors may reduce the monthly payments as set forth in said mortgage; provided, that such reduced payments shall in no event extend the original term of the mortgage.

Approved April 11, 1938.

Chap.200 AN ACT TO PROHIBIT FURTHER POLLUTION OF THE CHARLES RIVER.

Be it enacted, etc., as follows:

No city or town bordering on the Charles river shall, on or after the effective date of this act, establish or maintain any new or additional outlet into said river for the disposal of sewage. The superior court shall have jurisdiction in equity to restrain any violation of this act.

Approved April 11, 1938.

Chap.201 AN ACT FURTHER REGULATING THE GIVING OF NOTICE OF PARKING VIOLATIONS, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 20A, etc., amended.

Section twenty A of chapter ninety of the General Laws, as amended by chapter one hundred and seventy-six of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Notice of parking violations.

It shall be the duty of any police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established by any city or town or by any commission or body empowered by law to make such rules or regulations therein, forthwith to give to the offender a notice to appear before the clerk of the district court having jurisdiction, at any time during office hours not later than ten days after the time of said violation. Such notice shall be made in triplicate and shall contain the name and address of the offender and, if served with notice in hand at the time of such violation, the number of his license, if any, to operate motor vehicles; the registration number of the vehicle involved, the time and place of the violation, the specific offence charged, and the time and place for appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgment that the notice has been received. The officer shall if possible deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not pos-

sible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be sent by the officer, or by his commanding officer or any person authorized by said commanding officer, within forty-eight hours of the offence, exclusive of Sundays and holidays, to the address of the registrant of the motor vehicle involved, as appearing in the records of the registry of motor vehicles. Such notice mailed by the officer, his commanding officer, or the person so authorized, to the last address of said registrant as appearing as aforesaid, shall be deemed a sufficient notice, and a certificate of the officer or person so mailing such notice that it has been mailed in accordance with this section shall be deemed prima facie evidence thereof and shall be admissible in any court of the commonwealth as to the facts contained therein. At or before the completion of each tour of duty the officer shall give to his commanding officer those copies of each notice of such a violation taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer shall retain and safely preserve one of such copies and shall, at a time not later than the beginning of the next court day after said delivery or mailing, deliver another of such copies to the clerk of the court before whom the offender has been notified to appear.

Approved April 11, 1938.

AN ACT TO SIMPLIFY PROCEDURE ON CERTAIN PETITIONS FOR WRITS OF MANDAMUS. Chap. 202

Be it enacted, etc., as follows:

Section five of chapter two hundred and forty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "party" in the eighth line the following new sentence: — If the respondent is the holder of a public office and pending the determination of the cause he ceases to hold that office, the court in its discretion may, after notice, allow an amendment to substitute his successor in office as a party respondent, — so as to read as follows: — *Section 5.* A petition for a writ of mandamus may be presented to a justice of the supreme judicial court, and he may, after notice, hear and determine the same. Upon the return of the order of notice, the person required to appear shall file an answer showing cause why the writ should not issue, and the petitioner may traverse any material facts alleged in the answer or may demur thereto. The court may require a third person who has or claims a right or interest in the subject matter to appear and answer and to stand as the real party. If the respondent is the holder of a public office and pending the determination of the cause he ceases to hold that office, the court in its discretion may, after notice, allow an amendment to substitute his successor in office as a party respondent. If

G. L. (Ter. Ed.), 249, § 5, amended.

Writs of mandamus.

the petitioner prevails, his damages shall be assessed and judgment shall be rendered therefor, with costs, and for a peremptory writ of mandamus; otherwise, the party answering shall recover costs of the petitioner. No action shall be maintained for a false answer. All writs and processes may be issued from the clerk's office in any county and shall be returnable as the court orders. *Approved April 11, 1938.*

Chap.203 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF FIRE DEPARTMENT OF THE CITY OF BEVERLY UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of fire department of the city of Beverly shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments of cities, and the tenure of office of any incumbent of said office shall be unlimited, subject, however, to such laws, but the present incumbent of said office may continue to serve therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Beverly at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the Office of Chief of Fire Department of the City of Beverly under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 11, 1938.

Chap.204 AN ACT RELATIVE TO THE SETTING OF FIRES IN THE OPEN AIR.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 48, § 13,
amended.

Section thirteen of chapter forty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth to the eleventh lines, inclusive, the words "débris from fields, gardens and orchards, and leaves and rubbish from yards, may be burned on ploughed fields by the owners thereof, their agents or lessees, if such fire is at least two hundred feet distant from any sprout or forest land and at least fifty feet distant from any building and is properly attended until extinguished; and provided, further, that", — so as to read as follows: — *Section 13.* No person shall set, maintain or increase a fire in the open air at any time unless the ground is substantially covered with snow, except by written permission, covering a period not exceeding ten days from the date thereof, granted by the forest warden or chief of the fire department in cities and towns, or, in cities having such an

Setting fires
in open air
regulate l.
Penalty.

official, the fire commissioner; provided, that persons above the age of eighteen may set or maintain a fire for a reasonable purpose upon sandy land, or upon salt marshes or sandy or rocky beaches bordering on tide water, if the fire is enclosed within rocks, metal or other non-inflammable material. The forester may make rules and regulations relating to the granting and revocation of such permits binding throughout the commonwealth. Such rules and regulations shall take effect subject to section thirty-seven of chapter thirty, when approved by the governor and council. The forest wardens in towns and officials performing the duties of forest wardens in cities shall cause public notice to be given of the provisions of this section and shall enforce the same. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or both.

Approved April 11, 1938.

AN ACT PROVIDING FOR THE FUNDING BY THE CITY OF NEW BEDFORD OF TAX ABATEMENTS. Chap. 205

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purpose set forth in section two of this act, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, five hundred thousand dollars, which shall bear on their face the words, City of New Bedford Tax Funding Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. The amounts borrowed under authority of this act shall be used only for the purpose of meeting, in whole or in part, sums abated and to be abated, in excess of the amounts of the overlays provided therefor, on account of taxes assessed in said city in the years nineteen hundred and twenty-nine to nineteen hundred and thirty-seven, inclusive, such sums being set forth or referred to in a list on file in the office of the director of accounts.

Approved April 11, 1938.

AN ACT RELATIVE TO THE TIME DURING WHICH THE USE OF BEAM OR OTTER TRAWLS IN TAKING FISH FROM CERTAIN WATERS IN NANTUCKET SOUND SHALL BE PROHIBITED. Chap. 206

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty-six of the acts of nineteen hundred and thirty-one is hereby amended by striking out

section one, as amended by chapter fifty-nine of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 1.* It shall be unlawful for any person to use beam or otter trawls to drag for fish between May first and October thirty-first, both dates inclusive, in any year, in that part of the waters of Nantucket Sound bounded as follows: Beginning at Great Point in the town of Nantucket, thence by an imaginary line to Monomoy Point in the town of Chatham, thence following shore line around and to Succunnesset Point in the town of Mashpee, thence by an imaginary line to Cape Pogue in the town of Edgartown, thence by an imaginary line to Eel Point in the town of Nantucket, thence by shore line to the said Great Point; provided, that in so much of such area as lies within three miles of the shore of Nantucket county it shall be unlawful for any person to use such trawls for such purpose during the month of April in any year, but not otherwise.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1938.

Chap.207 AN ACT AUTHORIZING THE TOWN OF WILLIAMSTOWN TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling and reconstructing the present high school building on Southworth street in the town of Williamstown, said town may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirty-five thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on their face the words, Williamstown School Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates. Indebtedness incurred under this act shall be within the statutory limit and be subject to chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1938.

Chap.208 AN ACT FURTHER REGULATING EXTENSIONS OF THE BOUNDARIES OF THE CHELMSFORD WATER DISTRICT AND AUTHORIZING SAID DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. Chapter six hundred and forty-one of the acts of nineteen hundred and thirteen is hereby amended by striking out section thirteen and inserting in place thereof

the following:— *Section 13.* Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district as described in section one, or as subsequently enlarged under authority of this section, and not otherwise served by a public water supply, be included within the limits of said district, such petition being signed by the owners of such real estate, or of a major portion of such real estate, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including such real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the clerk of the district shall, within ten days, file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in said section one.

SECTION 2. For the purpose of meeting the expense of laying mains and pipes the Chelmsford Water District may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, fifteen thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Chelmsford Water District Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than fifteen years from their dates. Indebtedness incurred under this act shall be subject to all pertinent provisions of chapter forty-four of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1938.

AN ACT RELATIVE TO THE PAYMENT OF THE CASH SURRENDER VALUE OF CERTAIN POLICIES OF LIFE OR ENDOWMENT INSURANCE ISSUED BY DOMESTIC LIFE INSURANCE COMPANIES, AND PERMITTING SUCH COMPANIES TO MAKE EXTENDED TERM INSURANCE THE AUTOMATIC NON-FORFEITURE BENEFIT UNDER CERTAIN POLICIES OF LIFE OR ENDOWMENT INSURANCE. *Chap. 209*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and forty-four of chapter one hundred and seventy-five of the General Laws, as amended by section three of chapter one hundred and one of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the first three paragraphs, as appearing in the Tercentenary Edition, and inserting in place thereof the four following paragraphs:—

After three full annual premiums have been paid on any policy of life or endowment insurance issued by a domestic life company after December thirty-first, nineteen hundred

G. L. (Ter. Ed.), 175, § 144, etc., amended.

Cash surrender value of certain insurance policies.

Extended term
insurance.

and seven, the holder thereof, within thirty days after any default in the payment of a subsequent premium, may elect, by a writing filed with the company at its home office, (a) to surrender the policy and receive its value in cash, or (b) take paid-up insurance which shall be participating if the policy is on a participating basis, payable at the same time and on the same conditions as in the original contract, or (c) have the policy continued in force as extended term insurance from the anniversary date last passed for its face amount, including any outstanding dividend additions and less any indebtedness thereon or secured thereby, but without the right to loans; provided, that a policy whose proceeds are payable in instalments or as an annuity may provide that if either option (b) or (c) becomes operative the proceeds of the policy shall be payable in one sum. The cash surrender value shall be the reserve on the policy at the end of the last policy year for which the premium was paid in full, plus a proportionate part of the increase in the cash value at the end of the succeeding year if any instalment not less than a quarterly instalment of the premium for that year has been paid, and of any dividend additions thereto, computed on the mortality and interest assumption upon which the company elects to reserve as prescribed by section nine, less a surrender charge of not more than five per cent of the present value of the future net premiums, which by its terms the policy is exposed to pay in case of its continuance, computed upon the aforesaid mortality and interest basis, and less any existing indebtedness to the company on the policy or secured thereby. The company may reserve the right to defer the payment of such cash value for not exceeding ninety days after the application therefor is made. The term for which the policy will be continued or the amount of the paid-up policy will be such as the cash value will purchase as a net single premium at attained age of the insured according to the mortality and interest basis heretofore designated. But in case of an endowment policy, if the sum applicable to the purchase of extended term insurance shall be more than sufficient to continue the insurance to the end of the endowment term named in the policy, the excess shall be used to purchase in the same manner non-participating paid-up pure endowment, payable at the end of the endowment term on the same conditions.

If the holder shall not within thirty days from default surrender the policy to the company for cash as provided in option (a), or elect, by a writing filed with the company at its home office, to take paid-up insurance as provided in option (b), or to take extended term insurance as provided in option (c), the insurance will be binding upon the company from the date of default without any further stipulation or act as provided in option (b), unless the policy provides that it shall be binding as aforesaid as provided in option (c). The paid-up or the extended term insurance granted by the terms of the policy shall have a cash sur-

render value which shall be its net value less any indebtedness to the company on account of such policy or secured thereby, and the holder thereof may, within ninety days of the application therefor, claim and receive in cash such surrender value.

Every such policy which by its terms has become paid up shall have a cash surrender value which shall be its net value, less not more than five per cent of one net annual premium on a ten payment life policy at the age of entry of the insured, and less any indebtedness to the company on such policy or secured thereby; and the holder thereof may, within ninety days of the application therefor, claim and receive in cash such surrender value.

Nothing in this section shall be construed to prohibit the inclusion of a provision in a policy that the cash surrender value shall be payable with the written assent of the person to whom the policy is payable.

SECTION 2. Section one hundred and forty-seven of said chapter one hundred and seventy-five, as so appearing, is hereby amended by striking out, in the tenth and eleventh lines, the words “, with the written assent of the person to whom it is payable,” and by striking out, in the nineteenth and twentieth lines, the words “, with the written assent of the person to whom the policy is payable,” and by adding at the end the following new sentence:— Nothing in this section shall be construed to prohibit the inclusion of a provision in a policy that the cash surrender value shall be payable with the written assent of the person to whom the policy is payable, — so as to read as follows:— *Section 147.* After premiums have been paid for five full years upon any such policy of industrial insurance, the holder thereof, in case of any default in the payment of a subsequent premium, may, by writing filed with the company at its home office, within the term of extension and not later than thirteen weeks from the date to which premiums have been paid, elect in lieu of extended term insurance, (1) to surrender the policy to the company and receive in exchange therefor a paid-up policy of not less value according to the mortality and interest basis aforesaid, payable at the same time and on the same conditions as the original policy, or (2) to surrender the policy and receive its value in cash within sixty days after the demand therefor. Said cash surrender value shall be equal to the net single premium computed in the manner provided in the preceding section in the case of extended insurance. Any such policy of industrial insurance which shall, after five years from its original date of issue, become extended term insurance or a paid-up policy shall have a cash surrender value which shall be its net value at the date of the application therefor, less any indebtedness to the company then existing thereon or secured thereby, which the holder thereof may claim and receive in cash within sixty days after written demand therefor. Nothing in this section shall be construed to prohibit the inclusion of a provision in a policy

G. L. (Ter. Ed.), 175, § 147, amended.

Paid up policy, etc.

that the cash surrender value shall be payable with the written assent of the person to whom the policy is payable.

Effective
as to exist-
ing policies.

SECTION 3. Any domestic life insurance company may, upon the written request of the holder of any policy of life or endowment insurance, described in section one hundred and forty-four of chapter one hundred and seventy-five of the General Laws and issued by it prior to the effective date of this act, amend such policy to provide that option (c) specified in said section one hundred and forty-four shall be automatically operative in default of an election under said section, instead of option (b) specified therein.

Approved April 14, 1938.

Chap. 210 AN ACT RELATIVE TO THE REVOCATION OR SUSPENSION OF CERTIFICATES OF REGISTRATION TO PRACTICE MEDICINE AND TO THE CANCELLATION OF SUCH REGISTRATION.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 112, § 2,
etc., amended.

Section two of chapter one hundred and twelve of the General Laws, as most recently amended by sections one and two of chapter two hundred and forty-seven of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out all after the word "application" in the twenty-first line, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— The board, after due notice and hearing, may revoke any certificate issued by it to, and cancel the registration of, any physician convicted of a felony, and may, at any time after the expiration of one year thereafter, reissue any certificate so revoked, and register anew any physician whose registration was so canceled. The board, after due notice and hearing, may suspend, for a period not exceeding one year, any certificate issued by it to, and cancel the registration of, any physician who has been shown at such hearing to have been guilty of gross and confirmed use of alcohol in any of its forms while engaged in the practice of his profession, or of the use of narcotic drugs in any way other than for therapeutic purposes; or of abuse of the authority granted in section two hundred and nine A of chapter ninety-four; or of publishing or causing to be published, or of distributing or causing to be distributed, any literature contrary to section twenty-nine of chapter two hundred and seventy-two; or of acting as principal or assistant in the carrying on of the practice of medicine by an unregistered person or by any person convicted of the illegal practice of medicine or by any physician whose registration has been canceled, and whose certificate has been revoked or suspended, by the board; or of aiding and abetting in any attempt to secure registration, either for himself or for another, by fraud; or, in connection with his practice, of defrauding or attempting to defraud any person. Except

Revocation,
etc., of cer-
tificates of
registration
of physicians.

as otherwise provided herein, the board may, at any time, reissue any certificate so revoked and register anew any physician whose registration was canceled.

Approved April 14, 1938.

AN ACT PREVENTING DISCRIMINATION AGAINST CERTAIN PERSONS WITH RESPECT TO THE PAYMENT OF WELFARE RELIEF. Chap.211

Be it enacted, etc., as follows:

Chapter one hundred and seventeen of the General Laws is hereby amended by inserting after section six, as amended, the following new section: — *Section 6A.* No person receiving aid under this chapter shall be discriminated against with respect to the amount of such aid on account of the receipt of old age assistance under chapter one hundred and eighteen A by another member of his family who lives with him.

G. L. (Ter. Ed.) new, 117' 6A, section Discrimination respecting payment of welfare relief.

Approved April 14, 1938.

AN ACT RELATIVE TO THE GIVING OF PREFERENCE IN EMPLOYMENT IN THE CLASSIFIED LABOR SERVICE OF CITIES AND TOWNS TO PERSONS WITH ACTUAL DEPENDENTS. Chap.212

Be it enacted, etc., as follows:

Chapter three hundred and sixteen of the acts of nineteen hundred and thirty-one, as most recently amended by chapter one hundred and fifty-one of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the second line, the word "thirty-eight" and inserting in place thereof the word: — forty, — so as to read as follows: — Until May fifteenth in the year nineteen hundred and forty, the commissioner of civil service, on receipt of a requisition from the head of any department, board or commission of a city or town for temporary laborers in the classified labor service, shall, in certifying eligible applicants for positions in said service, give preference to persons so eligible who have one or more persons actually dependent upon them for support; provided, that in giving such preference veterans having such dependents shall be preferred over other persons so eligible for employment and having such dependents. Employment under this act shall not be continued beyond the period named in the requisition, which period shall not exceed three months. No re-employment or further employment shall be allowed at the end of such period, except by consent of the commissioner.

Approved April 14, 1938.

Chap.213 AN ACT RELATIVE TO THE USE IN EVIDENCE OF AUTHENTICATED COPIES OF CERTAIN PAPERS AND DOCUMENTS FILED WITH THE FEDERAL SECURITIES AND EXCHANGE COMMISSION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 233, new section 76A, added.

Authenticated copies of papers may be used in evidence in certain cases.

SECTION 1. Chapter two hundred and thirty-three of the General Laws is hereby amended by inserting after section seventy-six, as appearing in the Tercentenary Edition, the following new section:— *Section 76A.* Photostatic or other copies of applications, reports, books, records, returns, papers or documents filed with the federal securities and exchange commission, or any successor thereof, pursuant to the provisions of the act of congress known as the Securities Exchange Act of 1934, as heretofore or hereafter amended, if authenticated by the attestation of the officer or person who has charge of the same together with a certificate of any one of the members of said commission, or of any successor thereof, that such attestation is in due form and by the proper officer or person, shall be competent evidence in all cases equally with the originals thereof.

Application of act.

SECTION 2. This act shall apply in all cases pending on its effective date, as well as in cases thereafter commenced.

Approved April 14, 1938.

Chap.214 AN ACT GIVING PREFERENCE TO CERTAIN FORMER EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT IN THE TOWN OF ARLINGTON FOR EMPLOYMENT IN THE LABOR SERVICE OF SAID TOWN.

Be it enacted, etc., as follows:

Edward J. Nixon, William J. McCarthy and Charles Hill, formerly employed as foremen in the public works department of the town of Arlington, shall, if duly registered as applicants for employment in the labor service of said town, be given preference for such employment.

Approved April 14, 1938.

Chap.215 AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE CITY ENGINEER OF THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. The city engineer of the city of Revere in office at the time this act takes effect and any person thereafter appointed to fill any vacancy existing in such office shall hold office during good behavior and until the mayor shall remove him therefrom in accordance with the provisions of chapter thirty-one of the General Laws and the rules and regulations made thereunder relative to removals from the classified public service.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Revere at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the year nineteen hundred and thirty-eight, entitled 'An Act relative to the Tenure of Office of the City Engineer of the City of Revere', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 14, 1938.

AN ACT RELATIVE TO THE ISSUE BY TWO OR MORE FIRE INSURANCE COMPANIES OF POLICIES OF MARINE AND AUTOMOBILE INSURANCE, SO CALLED, UPON WHICH THEY SHALL BE SEVERALLY LIABLE. Chap. 216

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seventeen A of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second and third lines, the words "eighth clause of section forty-seven" and inserting in place thereof the words:—second clause of section forty-seven or under the eighth clause thereof,—and by striking out, in the fourth line, the words "eighth clause" and inserting in place thereof the words:—second clause or in said eighth clause, as the case may be,—so that the first paragraph will read as follows:—Two or more stock or two or more mutual fire companies authorized to transact business under the second clause of section forty-seven or under the eighth clause thereof may issue a single policy of insurance against loss or damage caused by any or all of the hazards specified in said second clause or in said eighth clause, as the case may be, on property or interests in the commonwealth on which each company shall be severally liable for a specified percentage of any loss or claim. Such policy shall be executed by the duly authorized officers of each company subject to the provisions of section thirty-three in the case of a domestic company.

G. L. (Ter. Ed.), 175, § 117A, amended.

Combination policies of marine and automobile insurance.

SECTION 2. Said chapter one hundred and seventy-five is hereby further amended by striking out the heading before said section one hundred and seventeen A, as so appearing, and inserting in place thereof the heading:—

G. L. (Ter. Ed.), 175, heading amended.

MARINE AND AUTOMOBILE AND SPRINKLER LEAKAGE INSURANCE.

Approved April 14, 1938.

Chap.217 AN ACT FURTHER DEFINING "EMPLOYEES" IN THE LAWS RELATIVE TO RETIREMENT SYSTEMS IN COUNTIES AND CERTAIN HOSPITAL DISTRICTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 20, etc., amended.

Section twenty of chapter thirty-two of the General Laws, as amended, is hereby further amended by striking out the paragraph defining "Employee", as appearing in section one of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: —

"Employee" defined.

"Employee", any person who is regularly employed in the service of and, except in the case of a register of probate, whose salary or compensation is paid by the county or hospital district, including officials and public officers so paid, whether employed or appointed for stated terms or otherwise, except members of the judiciary and teachers in the public schools as defined by sections six and seven. In all cases of doubt the board shall decide who is an employee.

Approved April 14, 1938.

Chap.218 AN ACT TO AUTHORIZE A DOMESTIC LIFE INSURANCE COMPANY TO PROVIDE FOR THE PAYMENT OF PENSIONS TO, AND TO INSURE THE LIVES OF, ITS OFFICERS AND EMPLOYEES UNDER A SINGLE OR GROUP CONTRACT OR POLICY ISSUED BY IT.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 36, etc., amended.

SECTION 1. Section thirty-six of chapter one hundred and seventy-five of the General Laws, as most recently amended by chapter sixty-one of the acts of nineteen hundred and thirty-six, is hereby further amended by adding at the end the following two new paragraphs: —

Group insurance for employees of certain insurance companies.

Any domestic life company may, with the written approval of the commissioner, also provide for the payment of pensions to its aged or disabled employees under a group contract issued by it. Such a company may, with like approval, insure the lives of its employees under a group policy issued by it, which shall, except as otherwise provided, be subject to the provisions of sections one hundred and thirty-three to one hundred and thirty-six, inclusive, so far as applicable. The employees and the company shall contribute to the cost of, or the premium for, any such contract or policy. The provisions of section ninety-four relative to membership and voting rights in a domestic mutual life company shall not apply to any person covered by or insured under any such contract or policy.

The term "employee", as used in this section, shall include an officer.

G. L. (Ter. Ed.), 175, § 94, etc., amended.

SECTION 2. The first paragraph of section ninety-four of said chapter one hundred and seventy-five, as amended

by chapter eighty-one of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, the second time it appears in the first line, the word "section" and inserting in place thereof the words:— sections thirty-six and, — so as to read as follows:— Except as provided in this section and in sections thirty-six and one hundred and thirty-seven, every person insured under a policy of life or endowment insurance issued by a domestic mutual life company shall be a member thereof and entitled to one vote, and one vote additional for each five thousand dollars of insurance in excess of the first five thousand dollars, every person holding an annuity or pure endowment contract issued by any such company shall be a member thereof and entitled to one vote and, in the case of an annuity contract, one vote additional for each one hundred and fifty dollars of annual annuity income in excess of the first one hundred and fifty dollars, and every person insured under any policy of insurance issued by any such company under clause sixth of section forty-seven shall be a member thereof and entitled to one vote. Holders of such policies or contracts shall be notified of the annual meetings of the company by written notice, or by an imprint in the form prescribed by section seventy-six upon the filing back of its policies or contracts, or, in the case of policies upon which premiums are payable monthly or oftener, on some other prominent place on each policy, and also upon premium receipts or certificates of renewal.

Same subject.

Approved April 14, 1938.

AN ACT RELATIVE TO THE PAYMENT FOR LABOR OF CERTAIN PRISONERS CONFINED UPON SENTENCES FOR NON-SUPPORT OR CERTAIN OTHER OFFENCES.

Chap. 219

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter two hundred and seventy-three of the General Laws, as appearing in the Tercentenary Edition, is hereby repealed.

G. L. (Ter. Ed.), 273, § 9, repealed.

SECTION 2. Said chapter two hundred and seventy-three is hereby further amended by striking out section ten, as so appearing, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 273, § 10, amended.

Section 10. Sections one to eight, inclusive, shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states enacting their provisions.

Uniformity of construction.

Approved April 14, 1938.

AN ACT AUTHORIZING CITIES AND TOWNS TO USE CERTAIN WAYS THEREIN FOR PLAYGROUND PURPOSES.

Chap. 220

Be it enacted, etc., as follows:

Chapter forty-five of the General Laws is hereby amended by inserting after section seventeen, as appearing in the Tercentenary Edition, the following new section:— *Section 17A.* For the purpose of promoting recreation, play or

G. L. (Ter. Ed.), 45, new section 17A, added.

Use of ways for playground purposes.

sport, the city of Boston, by an order adopted by its school committee and approved by its traffic commission, any other city by ordinance and any town by by-law may provide for the closing to vehicular traffic, during periods of time specified in such order, ordinance or by-law, of any public way or part thereof within the limits of such city or town, except a state highway or a parkway or boulevard, having due regard in every instance to the rights of abutting owners and the general public in the use of such way or part thereof.

Approved April 14, 1938.

Chap. 221 AN ACT RELATIVE TO PROCEDURE BEFORE THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 25, § 4, amended.

Certain powers and duties of the chairman and commissioners.

Chapter twenty-five of the General Laws is hereby amended by striking out section four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 4.* The chairman shall have and exercise supervision and control over all the affairs of the commission. He shall preside at all hearings at which he is present, and shall designate a commissioner to act as chairman in his absence. He shall not, except as is otherwise provided herein, be charged with any administrative functions. In order to promote efficiency in administration he shall from time to time make such division or redivision of the work of the department among the commissioners as he deems expedient. All of the commissioners shall, if so directed by the chairman, participate in the hearing and decision of any matter coming before the commission. In the hearing of all matters other than those of formal or administrative character coming before the commission, one or more commissioners shall participate and in the decision of all such matters at least three commissioners shall participate; provided that any such matter may be heard, examined and investigated by an employee of the department designated and assigned thereto by the chairman, with the concurrence of at least three commissioners. Such employee shall make a report in writing relative to every such matter to the commission for its decision thereon. For the purposes of hearing, examining and investigating any such matter such employee shall have all of the powers conferred upon a commissioner by section five A, and all pertinent provisions of said section shall apply to such proceedings. In every such case the concurrence of a majority of the commissioners participating in the decision shall be necessary therefor.

Approved April 14, 1938.

AN ACT ESTABLISHING THE OFFICE OF THIRD ASSISTANT
CLERK OF THE DISTRICT COURT OF EAST NORFOLK. Chap. 222

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter two hundred and eighteen of the General Laws, as most recently amended by section one of chapter one hundred and ninety-three of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the last paragraph and inserting in place thereof the following: —

G. L. (Ter. Ed.), 218, § 10, etc., amended.

Third assistant clerks with salaries payable by the county may be appointed in the municipal court of the Roxbury district and, subject to the approval of the county commissioners, in the first district court of eastern Middlesex, the third district court of eastern Middlesex and the district court of East Norfolk. Third assistant clerks.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the county commissioners of Norfolk county. Acceptance.
Approved April 14, 1938.

AN ACT AUTHORIZING THE NICHOLS JUNIOR COLLEGE TO
CONFER THE DEGREE OF ASSOCIATE IN BUSINESS ADMINISTRATION. Chap. 223

Be it enacted, etc., as follows:

Nichols Junior College, a corporation incorporated under general law on January twenty-fifth, nineteen hundred and thirty-two, under the name of Nichols Inc., and whose name was changed to its present one by chapter sixty-two of the acts of nineteen hundred and thirty-three, is hereby authorized and empowered to grant to students properly accredited and recommended by its faculty, upon completion of the two year course in said junior college, the degree of associate in business administration.

Approved April 14, 1938.

AN ACT TO INCORPORATE THE WORCESTER JUNIOR COLLEGE
AND AUTHORIZING IT TO GRANT CERTAIN DEGREES. Chap. 224

Be it enacted, etc., as follows:

SECTION 1. Frederick E. Barth, George F. Booth, Carl R. Brownell, Dr. William A. Bryan, Donald W. Campbell, Chester F. Caswell, Harry C. Coley, F. Harold Daniels, Winthrop G. Hall, Frank C. Harrington, John W. Higgins, Dr. David G. Ljungberg, Hervey A. MacVicar, Paul B. Morgan, Philip M. Morgan, Alfred E. Rankin, Harry G. Stoddard, Robert W. Stoddard, Warren A. Whitney, Walter W. Webster, Hamilton B. Wood, and their successors, are hereby constituted a body corporate, by the name of the Worcester Junior College, for the purposes hereinafter named. Said corporation shall consist of twenty-one mem-

bers only, who shall be called trustees, and who shall have power to fill vacancies within itself.

SECTION 2. The purposes of said corporation shall be to furnish instruction in mechanical, electrical, chemical and civil engineering fields, in liberal arts and sciences, and in secondary school work. For the accomplishment of these purposes, the trustees of said corporation may appoint such teachers and lecturers, as well as administrative personnel, and adopt such form of organization, by-laws, regulations and methods of administration, as they may from time to time deem advisable.

SECTION 3. The courses of instruction furnished by said corporation shall occupy not less than four years of evening study or two years of full-time day study, and to students properly accredited and recommended by a majority of the faculty of the Engineering School of the corporation it may grant the degree of associate in engineering, and to students properly accredited and recommended by a majority of the faculty of the School of Liberal Arts of the corporation it may grant the degree of associate in liberal arts.

SECTION 4. For the purposes hereinbefore set forth, said corporation is hereby empowered to acquire by purchase, gift, lease, devise or otherwise real and personal property of every description, not to exceed one million dollars in value, and to hold, manage and dispose of the same as may be decided upon by the trustees, and in accordance with the terms of any trust set forth in any bequest, devise, deed or other conveyance of such property.

Approved April 21, 1938.

Chap. 225 AN ACT TO PROVIDE THAT NO INSURANCE AGENT SHALL BE CHARGED WITH A DECREASE OR DEDUCTION FROM HIS COMMISSION OR SALARY ON INDUSTRIAL LIFE INSURANCE POLICIES LAPSED AFTER BEING PAID ON FOR THREE YEARS.

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section one hundred and sixty-four, as appearing in the Tercentenary Edition, the following new section:—*Section 164A*. If a policy of industrial life insurance upon which premiums have been paid for three years or more is surrendered to the company for a cash surrender value or paid up insurance or extended term insurance or lapses for non-payment of premiums, the agent shall not be charged with a decrease for said premium and no deduction shall be made from his commission or salary.

Approved April 21, 1938.

G. L. (Ter. Ed.), 175, new section 164A, added.

Decrease of commissions of agents prohibited in certain cases

AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN PERSONS DESIGNATED TO EXAMINE ALLEGED INSANE PRISONERS. *Chap.226*

Be it enacted, etc., as follows:

Section one hundred and two of chapter one hundred and twenty-three of the General Laws, as most recently amended by chapter fifteen of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 123, § 102, etc., amended.

The person who makes such examination of a prisoner hereunder shall, if he is not a salaried officer of the department, receive four dollars for each examination and twenty cents for each mile travelled one way which shall be paid from the annual appropriation of the institution in which the prisoner is examined. *Approved April 21, 1938.*

Compensation for examination of insane.

AN ACT AUTHORIZING THE TOWN OF AGAWAM TO PAY AN ANNUITY TO THE RESPECTIVE WIDOWS OF ROCCO CASCELLA AND CLARK B. JONES. *Chap.227*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging its moral obligation in the premises, the town of Agawam may pay an annuity of not more than six hundred dollars to Catherine Cascella and to Mary J. Jones, widows of Rocco Cascella and Clark B. Jones, respectively, who were killed in the year nineteen hundred and thirty-seven while in the performance of their duty as officials of said town. Said annuities shall be paid in monthly instalments, but no payment shall be made hereunder to either such widow after her remarriage.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of the town of Agawam voting thereon at a town meeting called for the purpose within two years after its passage.

Approved April 21, 1938.

AN ACT AUTHORIZING THE TOWN OF HULL TO PENSION DAVID R. SHAW. *Chap.228*

Be it enacted, etc., as follows:

SECTION 1. The town of Hull may retire David R. Shaw, who served the town faithfully for over twenty years in its police department and is now permanently disabled for further performance of duty, on an annual pension, payable monthly, equal to one half the compensation received by him at the time of his retirement.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the registered voters of said town voting thereon at a special town meeting called for the purpose in the current year. *Approved April 21, 1938.*

Chap.229 AN ACT AUTHORIZING THE BOSTON CONSERVATORY OF MUSIC TO CONFER THE DEGREE OF BACHELOR OF MUSIC.

Be it enacted, etc., as follows:

Boston Conservatory of Music, a corporation organized under general law in nineteen hundred and twenty-seven, is hereby authorized to grant the degree of bachelor of music to students properly accredited and recognized by a majority of its trustees and faculty. *Approved April 21, 1938.*

Chap.230 AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO OFFER PRIZES FOR AND TO CONDUCT EXHIBITS OF DAIRY GOATS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 128, § 2, etc., amended.

Paragraph (f) of section two of chapter one hundred and twenty-eight of the General Laws, as amended by section one of chapter four hundred and fifteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "hares" in the fourth line the words: — , dairy goats, — so as to read as follows: —

Prizes for exhibits of dairy goats.

(f) Offer prizes for and conduct exhibits of flowers, fruit, vegetables, grasses, grains or other farm crops, dairy products, honey, horses, cattle, sheep, swine, poultry, poultry products, rabbits, hares, dairy goats, farm operations, and canned and dried fruits and vegetables, and offer prizes for, and in aid of, the elimination and suppression of insect pests. *Approved April 21, 1938.*

Chap.231 AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO INCREASE THE RETIREMENT ALLOWANCE OF GEORGE R. MCGINNIS.

Be it enacted, etc., as follows:

The retirement allowance payable by the city of Cambridge to George R. McGinnis, retired on October twelfth, nineteen hundred and thirty-six under chapter four hundred and fifty-three of the acts of nineteen hundred and thirty-one, may be increased to an amount equal to one half the annual regular compensation paid to him at the time of his retirement, any provision of said chapter four hundred and fifty-three to the contrary notwithstanding.

Approved April 21, 1938.

Chap.232 AN ACT TO PROVIDE FOR FURNISHING WITHOUT CHARGE COPIES OF RECORDS RELATING TO SOLDIERS, SAILORS AND MARINES IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 262, new section 46A, added.
Certain records to

Chapter two hundred and sixty-two of the General Laws is hereby amended by inserting after section forty-six, as appearing in the Tercentenary Edition, the following new section: — *Section 46A.* No fee for a copy of any record

relating to the birth, death, marriage, adoption or change of name of any soldier, sailor or marine who served in the army, navy or marine corps of the United States in time of war or insurrection and received an honorable discharge therefrom or release from active duty therein, shall be demanded or received by any officer of the commonwealth or of any county, city or town, who has charge of such record, from any such soldier, sailor or marine, or from his widow, dependents or legal representatives; provided, that such copy is for use in relation to a claim against the United States.

be furnished
without fee.

Approved April 21, 1938.

AN ACT AUTHORIZING THE TOWN OF CARVER TO BORROW MONEY FOR SCHOOL PURPOSES. Chap.233

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling and reconstructing the Center School building and the North School House, the town of Carver may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, ten thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on their face the words, Carver School Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit and be subject to chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1938.

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO TEMPORARILY REINSTATE JAMES H. O'CONNELL AS A FIREMAN FOR THE SOLE PURPOSE OF BEING RETIRED. Chap.234

Be it enacted, etc., as follows:

James H. O'Connell, who was employed for over nineteen years as a policeman and as a fireman in the city of Fall River and who became separated from the classified civil service on or about October fifteenth, nineteen hundred and thirty-two, by reason of inability to work on account of disability arising out of and in the course of his employment, shall be reinstated by said city in its fire department without further examination, but for the sole purpose of being retired.

Upon his retirement as aforesaid there shall be paid to him a pension at a rate equal to one half the rate of annual compensation received by him at the time of his separation from the classified civil service.

Approved April 21, 1938.

Chap. 235 AN ACT PROVIDING FOR THE FUNDING OF OVERLAY DEFICITS
AND OTHER ITEMS BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for the purposes specified in section two of this act, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, nine million dollars; provided, that indebtedness incurred under authority of this section in excess of seven million dollars shall be subject to the approval of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three; and provided, further, that no such indebtedness in excess of seven million dollars shall be approved by said board unless the proceeds of such bonds or notes so issued to an amount of seven million dollars shall be inadequate for the purposes specified in section two; and provided, further, that no bonds or notes authorized by this section shall be issued later than the thirty-first day of December, nineteen hundred and forty. Such bonds or notes shall bear on their face the words, City of Boston Funding Loan, Acts of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates. Indebtedness incurred under this section shall, except as herein provided, be subject to the provisions, applicable to the city of Boston, of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof. The said city may issue temporary notes of the city, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes authorized by this section, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this section. All notes issued in anticipation of the issue of said serial bonds or notes shall be paid from the proceeds thereof.

SECTION 2. The amounts borrowed under authority of section one shall be used for meeting so much of the deficits resulting from the satisfaction of abatements on account of tax assessments in each of the years nineteen hundred and twenty-nine to nineteen hundred and thirty-seven, inclusive, heretofore granted, and for the satisfaction of abatements on account of tax assessments in each of such years hereafter granted, in excess of the overlay or overlays of such years, and for meeting such other deficits existing as of December thirty-first, nineteen hundred and thirty-seven, as by law are not required to be included in the amounts to be assessed in the year nineteen hundred and thirty-eight.

SECTION 3. The auditor of the said city shall set up a separate account of the proceeds of all loans issued under authority of section one. Charges shall be made against such

account only for the purposes authorized in section two, and then only with the approval of the mayor.

SECTION 4. The assessors of the city of Boston, for the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof and providing for abatements granted on account of taxes assessed, shall add to the amount to be assessed, in each of the years nineteen hundred and thirty-eight to nineteen hundred and forty-two, inclusive, four per cent thereof, and in each year thereafter, until all loans issued under authority of section one are paid, three per cent thereof; provided, that should the amounts authorized to be borrowed under section one be inadequate for the purposes specified in section two, or should the amount which said assessors are authorized, under this section, to add to the amount to be assessed be inadequate, in any year, for the purposes specified in this section, the said assessors shall add to the amount to be assessed in the following year such additional amount as may be required to fully meet all of such purposes.

SECTION 5. From and after the effective date of this act and until all loans issued under authority of section one are paid, the proceeds of all loans made by said city under said chapter forty-nine of the acts of nineteen hundred and thirty-three, as amended, shall be used for no purpose other than to meet notes issued by said city in anticipation of revenue.

SECTION 6. Bonds or notes issued under authority of section one shall, in favor of bona fide holders, be conclusively presumed to have been duly and regularly authorized and issued in accordance with the provisions contained in this act; and no holder thereof shall be obliged to see to the existence of the purpose of that issue, or to the regularity of any of the proceedings, or to the application of the proceeds.

SECTION 7. Loan orders passed under authority of this act shall be deemed to be emergency orders and as such may be passed in such manner as is provided for emergency orders in the charter of said city.

SECTION 8. This act shall take effect upon its passage.

Approved April 26, 1938.

AN ACT RELATIVE TO NOMINATION PAPERS FOR ELECTIVE MUNICIPAL OFFICES IN THE CITY OF HOLYOKE Chap. 236

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter six hundred and eight of the acts of nineteen hundred and thirteen is hereby amended by striking out the first paragraph and inserting in place thereof the following:—

Any registered voter in the city may be nominated for any municipal elective office, and his name as such candidate shall be printed on the official ballot to be used at the

municipal election; provided, that at or before five o'clock in the afternoon of the fifth Tuesday prior to the election, nomination papers prepared and issued by the city clerk and signed by at least one hundred and fifty registered voters of the city qualified to vote for such candidate at said election, shall be submitted to the board of registrars of voters, and the signatures on the same to the number required to make a nomination are subsequently certified by said registrars as hereinafter provided, except that the number of signatures necessary to nominate a candidate for alderman by wards and for school committee by wards shall be fifty. Nomination papers shall be in substantially the following form:—

SECTION 2. Section five of said chapter six hundred and eight, as most recently amended by section two of chapter sixty-one of the Special Acts of nineteen hundred and nineteen, is hereby further amended by striking out, in the thirteenth and sixteenth lines, the word "second" and inserting in place thereof, in each instance, the word:— third, — so as to read as follows:— *Section 5.* After the said nomination papers have been submitted, the board of registrars of voters shall certify thereon the number of signatures which are the names of registered voters in the city qualified to sign the same. They need not certify a greater number of names than is required to make a nomination, with one fifth of such number added thereto. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board of registrars of voters for one year. The board of registrars of voters shall complete their certification on or before five o'clock in the afternoon on the third Tuesday preceding the city election, and said board, or some member thereof, shall file with the city clerk on or before five o'clock in the afternoon on the third Wednesday preceding the city election all papers submitted and certified to by them, with the exception of papers found to be invalid. The certification shall not preclude any voter from filing objections as to the validity of the nomination.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1938.

Chap.237 AN ACT PROHIBITING THE EVASION OF THE MINIMUM FAIR WAGE FOR WOMEN AND MINORS LAW.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 151,
§ 19, etc.,
amended.

Section nineteen of chapter one hundred and fifty-one of the General Laws, as appearing in section one of chapter

four hundred and one of the acts of nineteen hundred and thirty-seven, is hereby amended by adding at the end the following new paragraph: —

(4) No person shall, for the purpose of evading this chapter, establish any arrangement or organization in his business, by contract, lease or agreement, whether written or oral, whereby a woman or minor who would otherwise be an employee of such person does not have the status of such an employee. If the commissioner is of the opinion that any person has established an arrangement or organization in violation of this paragraph, after a public hearing, due notice whereof shall have been given, and at which a reasonable opportunity to be heard has been afforded to such person, he may order such person to cease and desist from such violation; and such an order shall be subject to review under section fourteen in the same manner and to the same extent as any decision of the commissioner under this chapter. Any person so ordered to cease and desist who fails to comply therewith for thirty days after such order has been served upon him shall be punished by a fine of not less than one hundred dollars or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment.

Penalty for evading minimum fair wage law.

Approved April 26, 1938.

AN ACT RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES
REPRESENTED BY CERTAIN WAREHOUSE RECEIPTS BY RETAIL DEALERS IN SUCH BEVERAGES. Chap. 238

Be it enacted, etc., as follows:

Section twenty-three of chapter one hundred and thirty-eight of the General Laws, as amended, is hereby further amended by striking out the fourth paragraph, as appearing in section sixteen of chapter three hundred and eighty-five of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 138, § 23, etc., amended.

No license issued under section twelve, fourteen or fifteen shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under section eighteen or nineteen or from a holder of a special permit to sell issued under section twenty-two A; provided, that the holder of a license under section twelve or fifteen may sell alcoholic beverages acquired as the result of the purchase of a warehouse receipt for such beverages if the said receipt was purchased from the holder of a license under section eighteen or nineteen, or from a broker registered under chapter one hundred and ten A who is authorized thereunder to deal in warehouse receipts for alcoholic beverages; and provided, further, that nothing contained in this section shall be construed to authorize a licensee under section twelve or fifteen to import alcoholic beverages into this commonwealth except through the holder of a license issued under section eighteen.

Warehouse receipts representing alcoholic beverages, sale of.

Approved April 26, 1938.

Chap.239 AN ACT RELATIVE TO THE LIABILITY OF CERTAIN ENDORSERS UPON NOTES HELD BY CREDIT UNIONS AND AUTHORIZING THE ESTABLISHMENT OF CONTINGENT FUNDS BY CREDIT UNIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 171, new section 19A, added.

Contingent funds, etc.

Chapter one hundred and seventy-one of the General Laws is hereby amended by inserting after section nineteen, as appearing in the Tercentenary Edition, the following new section: — *Section 19A.* The by-laws of a credit union may provide that upon the death of a borrower by means of a personal loan upon his note, with an endorser or endorsers, but otherwise unsecured, the liability of any endorser shall cease with respect to the unpaid balance of such loan and any loss thereon may be charged to a contingent fund, which fund shall be created and thereafter maintained by such credit union by contributions from undivided earnings, current earnings or from the borrowers, as determined by the board of directors; provided, that the operation of such a provision of the by-laws shall not, in any calendar year, result in charges to the contingent fund in excess of ten per cent of the guaranty fund in addition to the unexpended balance of contributions by borrowers. Each charge to the contingent fund shall be reported within ten days thereafter to the commissioner, who may make such order regarding the operation of the contingent fund as he may deem advisable.

Approved April 26, 1938.

Chap.240 AN ACT ANNEXING THE TOWN OF DANA AND CERTAIN PORTIONS OF THE TOWNS OF PRESCOTT AND GREENWICH TO THE TOWN OF PETERSHAM.

Emergency preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven is hereby amended by inserting before the word "Enfield" in the fortieth line the word: — Dana, — so that the paragraph contained in the thirty-fifth to the forty-fourth lines, inclusive, will read as follows: —

Any public ways or portions thereof within the area taken in fee by the commission shall, until such time as they may be discontinued as provided in this section, continue to be maintained as highways with the same rights and duties of counties, towns and other parties as before such taking, except that such public ways in the towns of Dana, Enfield, Greenwich and Prescott shall, after the annexation of said towns, as hereinafter provided, be maintained by the com-

mission to the extent and in the manner provided in section seventeen of this act.

SECTION 2. Section eleven of said chapter three hundred and twenty-one is hereby amended by inserting after the word "of" in the forty-first line the word: — Dana, — so that the paragraph contained in the forty-first to the forty-seventh lines, inclusive, will read as follows: —

No town within which are included the areas of Dana, Enfield, Greenwich or Prescott taken in fee for reservoir purposes or for reservoir protection shall be required after the completion of the reservoir to bear any costs of or expenses for schools, policing or fire, gypsy moth or other insect pest protection within said reservoir areas described in this paragraph.

SECTION 3. Section thirteen of said chapter three hundred and twenty-one is hereby amended by striking out the first paragraph and clauses (a) and (b) thereunder and inserting in place thereof the following: —

Upon the expiration of thirty days from the recording of an order of taking as provided by section four of this act by which taking, together with previous purchases or takings as provided by said section four, of land in the towns of Dana, Enfield, Greenwich and Prescott, the whole or a substantial part of said towns is taken, and after notice thereof to the towns to be affected by annexation as herein-after described in this section, the territory within the towns of Dana, Enfield, Greenwich and Prescott shall be annexed to other towns and to counties as follows: —

(a) There shall be annexed to the town of New Salem, and thereby to Franklin county, those portions of the towns of Prescott, Greenwich and Enfield, being portions of Hampshire county, bounded as follows: beginning at the intersection of the boundary lines of the towns of New Salem, Prescott and Shutesbury and following the existing channel of the west branch of the Swift river in a general southerly direction to its confluence with the Swift river; thence following the existing channel of the Swift river and its middle branch in a general northeasterly direction to the point where it is crossed by the boundary line between the towns of Prescott and Dana; thence following the boundary line between the towns of Prescott and Dana in a general northerly direction to its intersection with the boundary line of the town of New Salem; thence following the boundary line between the towns of New Salem and Prescott in a general westerly direction to the point of beginning.

(b) There shall be annexed to the town of Petersham all of the town of Dana, both of said towns being in Worcester county, and there shall also be annexed to the town of Petersham, and thereby to Worcester county, those portions of the towns of Prescott and Greenwich, being portions of Hampshire county, bounded as follows: beginning at the point where the middle branch of the Swift river crosses the

boundary line between the towns of Dana and Prescott and following the existing channel of said middle branch in a general southerly direction to its confluence with the east branch of said river; thence following the existing channel of said east branch in a general northeasterly direction to the boundary line between the towns of Greenwich and Hardwick; thence following the boundary line between the towns of Greenwich and Hardwick in a general northeasterly direction to its intersection with the boundary line of the town of Dana; thence following the boundary line between the towns of Dana and Greenwich in a general northerly direction to its intersection with the boundary line of the town of Prescott; thence following the boundary line between the towns of Dana and Prescott in a general northerly direction to the point of beginning.

SECTION 4. Said chapter three hundred and twenty-one is hereby further amended by inserting after section thirteen the following new section:— *Section 13A.* The towns of Petersham and New Salem shall each have the right to enter and remove, without cost, gravel in such amount as may be necessary for its municipal purposes from lands annexed to them respectively under this act, and the metropolitan district water supply commission and its successors shall, upon written request of the selectmen of either of such towns, designate from which areas of such lands gravel may be so removed.

SECTION 5. Said chapter three hundred and twenty-one is hereby further amended by striking out section fourteen and inserting in place thereof the following:— *Section 14.* All of the property belonging to the towns of Dana, Enfield, Greenwich and Prescott shall, upon the annexation of said towns to other towns by authority of this act, vest in and become the property of the commonwealth for the benefit of the metropolitan water district, and the commonwealth shall succeed to all the rights, claims and causes of action of each of said named towns, and shall assume and be liable for all the debts, obligations, trusts, duties and liabilities of each of said towns. All actions and causes of actions by or against the said towns of Dana, Enfield, Greenwich and Prescott pending or accrued, when such annexation takes effect, shall survive, and may be prosecuted to final judgment and execution by or against the commonwealth. All books, papers, monies and other property in the possession of the treasurer of each of these four towns or of any town officer thereof shall be turned over to the commission at the time of said annexation, and the commission shall wind up and liquidate the affairs of each such town as speedily as possible. Upon the final liquidation of the affairs of the towns of Dana, Enfield, Greenwich and Prescott, the commission shall turn over the records of permanent value of the towns of Dana and Enfield to the town of Petersham, and of the towns of Greenwich and Prescott to the towns of

Belchertown and New Salem, respectively, and said records shall be preserved with the records of the town to which they have been so turned over.

Upon such annexation the division of accounts of the department of corporations and taxation shall audit the books and accounts of the collector of taxes of each of the towns of Dana, Enfield, Greenwich and Prescott, and all taxes assessed for the year of such annexation and remaining uncollected, except taxes assessed upon property acquired by the commission under the second paragraph of section four of this act, to persons residing or property located within the territory annexed to another town shall be, by the assessors of the town in which such taxes were assessed, committed to the collector of taxes of the town to which such territory is by the provisions of this act annexed. It shall be the duty of any collector of taxes to whom any such taxes are committed to complete the collection of such taxes with legal interest and costs and pay over the same to the treasurer of the town for which he is the collector.

Upon the annexation to other towns of the territory within the towns of Dana, Enfield, Greenwich and Prescott as set forth in this act, the commission or the metropolitan district commission shall yearly in the month of November reimburse each of said other towns for all money paid out or expenses incurred under the laws of the commonwealth for the year preceding in the relief or aid of persons whose settlement was gained in whole or in part whether by original acquisition or derivation within the territory annexed to such other town prior to the date of such annexation.

SECTION 6. Section fifteen of said chapter three hundred and twenty-one is hereby amended by inserting before the word "Enfield" in the thirteenth line the word: — Dana, — so as to read as follows: — *Section 15.* Annexation under this act shall constitute the annexed territory part of the town and the county to which it is annexed with respect to the jurisdiction of the courts, as well as for all other purposes. All suits, proceedings, complaints and prosecutions, and all matters of probate, which shall be pending at the time of such annexation before any court or trial justice, or such matters as may be incident thereto, may however be heard and determined and prosecuted to final judgment and execution before such court or justice as if said annexation had not taken place; but upon such annexation taking place, the several courts and trial justices having jurisdiction over the respective towns to which the territory within said towns of Dana, Enfield, Greenwich and Prescott is annexed shall have jurisdiction of all civil actions, matters of probate and insolvency and criminal prosecutions thereafter begun, although the cause of action has accrued, or crime, offense or misdemeanor has been committed, before such annexation, in the same manner and to the same extent as if such territory had been annexed prior to the

accrual of the cause of action or the commission of the crime, offense or misdemeanor.

SECTION 7. Said chapter three hundred and twenty-one is hereby further amended by striking out section sixteen and inserting in place thereof the following:— *Section 16.* An inhabitant of any territory of the town of Dana, Enfield, Greenwich or Prescott, when annexed to another town by authority of this act, who remains upon the annexed territory, or who removes to a place within the limits of the town to which the land upon which he resided has been annexed, as such limits existed prior to such annexation, shall have the same right to register and to vote in such town, at a state primary or election, or at an election of town officers or a town meeting, that he would have had if the annexed territory had constituted a part of said town for six months prior to such primary, election or meeting.

SECTION 8. Section seventeen of said chapter three hundred and twenty-one is hereby amended by inserting before the word "Enfield" in the second line the word:— Dana, — so as to read as follows:— *Section 17.* During any interval between the annexation of said towns of Dana, Enfield, Greenwich and Prescott and the taking possession of the land taken therein by the commission under this act, the commission shall maintain the public ways, public schools and other public works and public institutions in said towns to such extent and in such manner as the commission may deem necessary for the convenience, comfort and welfare of the inhabitants remaining therein.

SECTION 9. Said chapter three hundred and twenty-one is hereby further amended by striking out section twenty and inserting in place thereof the following:— *Section 20.* The provisions of sections six and seven of chapter fifty-nine of the General Laws shall be applicable to land acquired in fee by the commission under this act for reservoir purposes or for the protection of the reservoir except to land within the present limits of the towns of Enfield, Greenwich and Prescott. On the land in these three named towns acquired previous to the date of their annexation, the commission shall pay to each said town in which the respective land is located until such time as the annexation of said town is effected, as provided in section thirteen of this act, a sum in lieu of taxes computed and paid as provided in said sections six and seven of said chapter fifty-nine, but including for this period the buildings and structures thereon. Subsequent to said annexation neither the commission nor the metropolitan district commission shall pay any taxes or make any payments in lieu of taxes on land or buildings within the present limits of the said towns of Dana, Enfield, Greenwich and Prescott.

As full compensation for any loss of taxation or any other loss caused by the carrying out of the provisions of this act, the commission shall pay to the county of Hampshire the sum of fifty-five thousand dollars, which sum shall be paid

at the time of the annexation of the towns of Dana, Enfield, Greenwich and Prescott to other towns as set forth in this act.

Approved April 26, 1938.

AN ACT REQUIRING THE TEACHING OF THE ITALIAN LANGUAGE IN CERTAIN PUBLIC HIGH SCHOOLS IN CERTAIN CASES.

Chap.241

Be it enacted, etc., as follows:

Chapter seventy-one of the General Laws is hereby amended by inserting after section thirteen, as appearing in the Tercentenary Edition, the following new section: — *Section 13A.* In every public high school having not less than one hundred and fifty pupils, the Italian language shall be taught upon the written request of the parents or guardians of not less than fifteen pupils and the enrolment of not less than twenty-five properly qualified pupils, provided said request is made, and said enrolment is completed, before the preceding August first.

G. L. (Ter. Ed.), 71, new section 13A, added.
Italian language to be taught in certain public schools.

Approved April 26, 1938.

AN ACT RELATIVE TO THE POWERS OF PORTIA LAW SCHOOL.

Chap.242

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter two hundred and nineteen of the Special Acts of nineteen hundred and nineteen is hereby amended by striking out section two, as most recently amended by section one of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 2.* The purposes of said corporation shall be to furnish a course of not less than four years' instruction in law suitable to prepare students of the school for the degree of bachelor of laws and also, in the discretion of its trustees, to furnish to students who are holders of the degree of bachelor of laws from such institutions as are authorized to grant said degree and the degree of master of laws a one year course of instruction in law suitable to prepare them for the degree of master of laws; provided, that said one year course shall require at least one third more work than was required prior to July first, nineteen hundred and twenty-five, in one school year of the aforesaid four year course. For the aforesaid purposes it may appoint such teachers and lecturers and adopt such form of organization, by-laws, regulations and methods of administration as it may deem advisable. The corporation shall provide suitable offices, library and lecture halls, and shall pay the expenses of maintaining the said school, directing its income to that end.

Approved April 27, 1938.

Chap.243 AN ACT RELATIVE TO THE DISCONTINUANCE OF SERVICE BY RAILROADS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 159,
new section
16A, added.

Discon-
tinuance of
railroad
service.

Chapter one hundred and fifty-nine of the General Laws is hereby amended by inserting after section sixteen, as appearing in the Tercentenary Edition, the following new section:— *Section 16A*. The department before authorizing any railroad to discontinue or abandon any of its lines, stations or other service, may consider, in addition to other facts, the revenues of said railroad from all sources.

Approved April 27, 1938.

Chap.244 AN ACT RELATIVE TO THE INSURANCE OF SHARES IN CO-OPERATIVE BANKS AND EXTENDING THE DURATION OF THE CO-OPERATIVE CENTRAL BANK.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter forty-five of the acts of nineteen hundred and thirty-two, as amended by chapter eighty-two of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the sixth line, the word "ten" and inserting in place thereof the word:— twenty-five, — so that the first paragraph will read as follows:— All the co-operative banks now established under the laws of the commonwealth and subject to the provisions of chapter one hundred and seventy of the General Laws, hereinafter referred to as member banks, are hereby constituted a corporation for the term of twenty-five years, under the name of The Co-operative Central Bank, hereinafter referred to as the central bank, and every co-operative bank hereafter so established during said term shall thereupon become a member bank thereof. It shall be the purpose of the central bank to promote the elasticity and flexibility of the resources of the co-operative banks of the commonwealth by centralizing their reserve funds.

SECTION 2. Chapter seventy-three of the acts of nineteen hundred and thirty-four is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1*. The Co-operative Central Bank, established by chapter forty-five of the acts of nineteen hundred and thirty-two, hereinafter referred to as the corporation, shall in the manner herein provided establish a fund for the in-

surance of shares in co-operative banks established under the laws of the commonwealth, hereinafter referred to as member banks. For such purpose, in addition to the assessments hereinafter provided for, the directors of the corporation may, by assessments made from time to time upon the member banks in the same proportion for each, require each member bank to pay over in cash to the corporation a total of not more than one per cent of the share liabilities of such member bank as shown by its last preceding annual report to the commissioner of banks, hereinafter referred to as the commissioner. An assessment under this section of one quarter of one per cent of such share liabilities shall be made within ten days after the effective date of this act, said assessment to be paid by each member bank from the proceeds of the amount of its deposit with the corporation made under section six of said chapter forty-five, reduced by any amounts withdrawn therefrom by such member bank or payments made to it by the corporation under said chapter forty-five, so far as the amount of said deposit so reduced may be adequate, and other assessments shall be made from time to time thereafter at the direction of the commissioner; provided, that the total of all assessments hereinbefore authorized shall not exceed such authorized total; and provided, further, that no such assessments shall be made after July first, nineteen hundred and thirty-eight. At any time after July first, nineteen hundred and forty, and thereafter from time to time, the directors of the corporation, at the direction of the commissioner if he deems such action necessary in order to give effect to the purposes of this act, shall require each member bank to pay over to the corporation in cash, in full or in such installments as the commissioner may direct, assessments of one fifth of one per cent of the share liabilities of such member bank as shown by its last preceding annual report to the commissioner; provided, that not more than a total of five such assessments shall be made; and provided, further, that not more than one of such assessments shall be made in any one year period. On July first, nineteen hundred and thirty-eight, and on July first of each year thereafter while a member bank, such bank shall pay to the corporation an annual assessment equal to one twelfth of one per cent of its share liabilities and creditor obligations as shown by its last preceding annual report to the commissioner. The provisions of sections six and ten of said chapter forty-five shall apply to the assessments authorized by this section. All assessments under this section shall be held as a fund to be known as the Share Insurance Fund and shall be in addition to all other payments to the corporation required under said chapter forty-five. When the net fair value of the assets of said fund, as determined by the corporation and the commissioner, shall equal three per cent of the aggregate share liabilities of all member banks, the payment of said annual assessment shall cease, and if at any time or from

time to time thereafter the net fair value of the assets of said fund as so determined shall fall below such three per cent, the payment of such annual assessment, as hereinbefore provided, shall be resumed and shall be continued until the net fair value of such assets as so determined again equals such three per cent. The Share Insurance Fund shall be invested separately from the other funds of the corporation and shall not be liable for the obligations of the corporation other than those created by or under this act, as amended. Assets of the corporation not held in the Share Insurance Fund shall not be liable for any obligations created hereby or hereunder. All cost of administering the Share Insurance Fund shall be paid therefrom.

SECTION 3. Said chapter seventy-three is hereby further amended by striking out section three and inserting in place thereof the following:— *Section 3.* The corporation may pay dividends to member banks upon the amounts paid in by them to the Share Insurance Fund or upon the unexpended portion thereof at such rate and at such times as the directors of the corporation may determine. Said fund may be invested by the corporation only in such manner as reserves are required to be carried as provided in subsections (a), (b), (c), (d) and (e) of section forty-seven of chapter one hundred and seventy of the General Laws, as amended. The corporation may by vote of its directors borrow money for the purposes of the Share Insurance Fund and pledge any assets in which such fund is invested as security for such loans. In case of the voluntary liquidation of any member bank under section twenty-two of chapter one hundred and sixty-seven of the General Laws, the corporation shall, if its directors are satisfied that such member bank has paid or will be able to pay its shareholders in full, return the unexpended portion, as determined by said directors, of all assessments paid by such member bank into said fund, after deducting as a charge for insurance of its shares during the period from July first, nineteen hundred and thirty-eight, to the date of the vote authorizing such liquidation, an amount equal to the sum of the annual assessments due and payable on July first, nineteen hundred and thirty-eight, and on July first of each year thereafter while a member bank as provided in section one. In case of the merger or consolidation of two or more member banks under section fifty of said chapter one hundred and seventy, as amended, the unexpended portion of the assessments, other than annual assessments referred to in section one, paid by such member banks into said fund, as determined by the directors of the corporation, shall be readjusted on the basis of the assessment liability of the continuing bank and the excess, if any, shall be repaid to it.

SECTION 4. Said chapter seventy-three is hereby further amended by inserting after section three the following new section:— *Section 3A.* Whenever it shall appear to the commissioner that it is inadvisable or inexpedient for any

member bank to continue to transact the business for which it is organized without receiving financial assistance as provided in this section, he may, in his discretion, so notify the corporation, and thereupon, if in the judgment of the directors of the corporation such action may reduce the risk or avert a threatened loss to the corporation, the corporation may, with the approval of the commissioner and in order to effect the purposes of this act, do any one or more of the following: (a) purchase from said member bank the whole or any part of, or any equitable or any other interest in, its assets at the book value thereof, or at some other value mutually agreed upon by the said member bank and said directors notwithstanding that either of such values may exceed the market value of the assets so purchased and upon such terms and conditions as said directors, with the approval of the commissioner, may determine; (b) make loans to such member bank, secured in whole or in part, in such amounts, and upon such terms and conditions as said directors, with the approval of the commissioner, may determine; (c) pay to such member bank in accordance with an agreement entered into between such member bank and the corporation, with the approval of the commissioner, an amount not in excess of the difference between the book value of certain or all its assets and the fair value thereof as determined by said agreement, in consideration for which said member bank shall agree to write down such assets to such fair value and to pay over to the corporation so much of any net proceeds realized from the sale or other disposition of each and all such assets as is in excess of such fair value, such payment to be made in such amounts, at such times and upon such terms and conditions as said directors, with the approval of the commissioner, may determine. Such member bank, by vote of at least two thirds of its directors, may take any and all action necessary or advisable to enable it and the corporation to carry out this section.

SECTION 5. Said chapter seventy-three is hereby further amended by inserting after section six the following new section: — *Section 6A.* With the approval of the commissioner, and subject to such rules and regulations as he may impose, the corporation may appoint conservators or agents to assist it in the operation, management, liquidation and distribution of the assets of any member bank in its possession under this act, and wherever practicable such conservators and agents shall be member banks doing business in or near the city or town in which such bank in possession has its principal place of business. With the approval of the commissioner, and subject to such rules and regulations as he may impose, the corporation may appoint member banks as agents to assist it in the operation, management and liquidation of assets purchased or otherwise acquired from member banks by the corporation under this act. Certificates of appointment of such conservators and agents shall be filed in the office of the commissioner. Notwith-

standing any other provision of law, all member banks are hereby authorized to act as such conservators and agents and to exercise the powers and perform the duties contemplated by this section.

G. L. (Ter.
Ed.), 170,
§ 50A, etc.,
amended.

SECTION 6. Section fifty A of chapter one hundred and seventy of the General Laws, as amended by section two of chapter one hundred and sixty-two of the acts of the current year, is hereby further amended by striking out the second and third paragraphs, as appearing in chapter two hundred and fifteen of the acts of nineteen hundred and thirty-five, and inserting in place thereof the two following paragraphs: —

Amount to be
retained by
The Co-
operative Cen-
tral Bank.

An amount equal to the annual assessments due and payable by the corporation on July first, nineteen hundred and thirty-eight, and on July first of each year thereafter while a member bank, as provided in section one of chapter seventy-three of the acts of nineteen hundred and thirty-four, as amended, shall be retained by The Co-operative Central Bank, hereinafter called the bank, as a charge for insurance of the shares of the corporation while a member bank; and all other assessments made by the bank, in accordance with said chapter seventy-three, as amended, upon the corporation shall continue to be held by said bank until all losses and all liquidating expenses of all corporations being liquidated at the time that such corporation ceased to be a member bank shall have been paid, whereupon said converted corporation shall be entitled to receive from said bank the unexpended portions of such other assessments, if any there be; provided, that, with respect to such other assessments, the bank may, in its discretion and subject to the approval of the commissioner, make earlier disposition thereof by adjustment pursuant to an agreement with the converted corporation and may pay thereto such amount as may be so agreed upon.

Termination
of membership
bank.

Such corporation shall cease to be a member bank, as referred to in section one of chapter forty-five of the acts of nineteen hundred and thirty-two, as amended, and in section one of chapter seventy-three of the acts of nineteen hundred and thirty-four, as amended, immediately upon compliance with the requirements of the first paragraph of this section and the issuance thereto of a charter by the appropriate federal supervising authority. Upon receipt by the bank of notice from the commissioner that he has been notified by the appropriate federal supervising authority that conversion has been completed and that a charter has been issued, and that he has received from the state secretary a certificate that the corporation has been duly recorded for dissolution, all deposits then remaining in the bank made by the corporation in accordance with said chapter forty-five, less all outstanding indebtedness due from the converted corporation to the bank, shall be paid over by the bank to the converted corporation.

SECTION 7. Section sixteen of said chapter one hundred and seventy is hereby further amended by striking out the second paragraph, as amended by section two of chapter one hundred and ninety-six of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 170, § 16, etc., amended.

Such number of shares as may be authorized by a vote similar to that referred to in section forty, may, with the consent of the commissioner, be issued to and held by the Home Owners' Loan Corporation referred to in section forty-seven. There shall be no limit to the number of shares that may be issued to qualify for a co-operative bank mortgage, upon property purchased from the corporation.

Shares issued to Home Owners' Loan Corporation.

Approved April 27, 1938.

AN ACT PERMITTING FLORIST SHOPS TO BE KEPT OPEN ON MEMORIAL DAY. Chap. 245

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Clause eighteenth of section seven of chapter four of the General Laws, as most recently amended by chapter thirty-eight of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "Sunday" in the fourteenth line the following words:—, except that on May thirtieth, or on the day following when May thirtieth occurs on Sunday, florist shops may be kept open all of said day,—so as to read as follows:—Eighteenth, "Legal holiday" shall include January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh, Thanksgiving day and Christmas day, or the day following when any of the five days first mentioned, October twelfth, November eleventh, or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days; and all laws, statutes, orders, decrees, rules and regulations regulating the observance of the Lord's day shall be applicable to May thirtieth and November eleventh between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when May thirtieth or November eleventh occurs on Sunday, except that on May thirtieth, or on the day following when May thirtieth occurs on Sunday, florist shops may be kept open all of said day; and all laws, statutes, orders, decrees, rules and regulations regulating the keeping open of retail stores on the Lord's day shall be applicable to the keeping open of retail stores on October twelfth between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same

G. L. (Ter. Ed.), 4, § 7, etc., amended.

"Legal holiday."

Florist shops may be kept open on Memorial Day.

hours on the day following when October twelfth occurs on Sunday. "Legal holiday" shall also include, with respect to Suffolk county only, June seventeenth, or the day following when June seventeenth occurs on Sunday, and the public offices in said county shall be closed on said day.

Approved April 27, 1938.

Chap.246 AN ACT MAKING THE CONSTITUTIONS OF THE UNITED STATES AND OF THIS COMMONWEALTH REQUIRED SUBJECTS OF INSTRUCTION IN STATE TEACHERS COLLEGES AND MAKING THE CONSTITUTION OF THIS COMMONWEALTH A REQUIRED SUBJECT OF INSTRUCTION IN PUBLIC HIGH SCHOOLS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 71, § 2, amended.

Teaching of constitutions of the United States and of this commonwealth in schools.

G. L. (Ter. Ed.), 73, new section 2A, added.

State teachers colleges to teach constitutions, etc.

SECTION 1. Section two of chapter seventy-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "States" in the second line the words: —, and in all public high schools the constitution of the commonwealth, — so as to read as follows:— *Section 2.* In all public elementary and high schools American history and civics, including the constitution of the United States, and in all public high schools the constitution of the commonwealth, shall be taught as required subjects for the purpose of promoting civic service and a greater knowledge thereof, and of fitting the pupils, morally and intellectually, for the duties of citizenship.

SECTION 2. Chapter seventy-three of the General Laws is hereby amended by inserting after section two, as amended, the following new section:— *Section 2A.* In all state teachers colleges the constitutions of the United States and of the commonwealth shall be taught as required subjects for the purpose of fitting the students, morally and intellectually, for the duties of citizenship and of school teaching.

Approved April 27, 1938.

Chap.247 AN ACT AUTHORIZING THE SCHOOL OF EXPRESSION TO GRANT CERTAIN DEGREES.

Be it enacted, etc., as follows:

The trustees of the School of Expression, a Massachusetts corporation, incorporated October third, eighteen hundred and eighty-eight, under general law, are hereby empowered to confer the degree of bachelor of science of oratory upon candidates who complete satisfactorily a four year course of resident study prescribed by the trustees of said school, and are hereby also empowered to confer the degree of master of science of oratory upon candidates who have previously received the degree of bachelor of speech arts, the degree of bachelor of arts, or the degree of bachelor of science from a recognized school, college or university, and who complete satisfactorily a two year course of resident study prescribed by the trustees of said school.

Said trustees may also confer the honorary degree of doctor of science of oratory on citizens who have attained distinction by virtue of their public service and personal accomplishment.

Approved April 27, 1938.

AN ACT GRANTING CERTAIN ADDITIONAL POWERS TO THE MASSACHUSETTS HOSPITAL LIFE INSURANCE COMPANY. Chap. 248

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Hospital Life Insurance Company, incorporated by an act passed February twenty-fourth, eighteen hundred and eighteen, is hereby authorized, in addition to its present authorized forms of investment, to invest its capital, surplus, and deposits, and other funds held by it, in the same way, to the same extent, and under the same restrictions as an individual trustee in this commonwealth may invest trust funds or assets.

SECTION 2. The said corporation may, by vote of a majority of its directors, adopt one or more forms of declaration of trust containing provisions for the conduct and management of the funds to be held thereunder and for the regulation of the reciprocal rights and duties of the trustee and beneficiaries, and said corporation may from time to time receive money or securities for addition to and inclusion in a trust so created. Money and securities so received may be held in a common or commingled fund which shall be kept separate and distinct from all other funds and property held by said corporation for its own use or in any other capacity. The said corporation may charge commissions not exceeding six per cent on income for the care and management of the property held by it in any trust created under authority of this act.

SECTION 3. The beneficial interest in any trust created hereunder shall be expressed in shares, each share representing an equal right of participation with every other share outstanding in the income and assets held in the trust. All shares shall be transferable in such manner as the declaration of trust shall provide, and such shares shall not be deemed to be securities within the scope of chapter one hundred and ten A of the General Laws.

Approved April 27, 1938.

AN ACT CHANGING THE TITLE AND ENLARGING THE POWERS AND DUTIES OF THE SUPERINTENDENT OF BUILDINGS, CHANGING THE TITLE OF CERTAIN OF HIS EMPLOYEES AND FURTHER DEFINING THE POWERS OF CAPITOL POLICE OFFICERS. Chap. 249

Be it enacted, etc., as follows:

SECTION 1. Chapter eight of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the

G. L. (Ter.
Ed.), 8, § 1,
amended.

State superintendent of buildings.

G. L. (Ter. Ed.), 8, § 4, etc., amended.

Appointment of employees.

G. L. (Ter. Ed.), 8, § 9, amended.

Care of state house, etc.

G. L. (Ter. Ed.), 8, § 10, amended.

Assignment of rooms in state house, etc.

following:— *Section 1.* There shall be an officer to be known as the state superintendent of buildings, in this chapter called the superintendent.

SECTION 2. Said chapter eight is hereby further amended by striking out section four, as most recently amended by section one of chapter eighty-four of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 4.* He may appoint such clerks, engineers, electricians, firemen, oilers, mechanics, capitol police officers, elevator operators, janitors, cleaners and other persons as may be necessary to enable him to perform his duties. Capitol police officers shall, when on duty, wear and display a metallic badge bearing the seal of the commonwealth and the words "Capitol Police". He shall be responsible for the fitness and good conduct of all such employees.

SECTION 3. Section nine of said chapter eight, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the words "in Boston", — so as to read as follows:— *Section 9.* The superintendent shall, under the supervision of the governor and council, have charge of the care and operation of the state house and its appurtenances and shall have general charge and oversight of any other buildings or parts thereof owned by or leased to the commonwealth for the use of public officers, and shall see that the chambers and lobbies of the general court and of its committees are kept clean and in good order; shall superintend all ordinary repairs thereof and shall have charge of the current expenses for the care and preservation of the state house and its appurtenances, and for the ordinary repairs of the furniture and fixtures therein. He shall take proper precautions against damage thereto, or to the furniture, fixtures or other public property therein. There shall be maintained an adequate passageway for foot passengers from north to south through the east wing or extension of the state house, to be kept open during such hours as the superintendent shall fix.

SECTION 4. Section ten of said chapter eight, as so appearing, is hereby amended by striking out, in the first line, the word "may" and inserting in place thereof the word: — shall, — so as to read as follows:— *Section 10.* He shall, under the supervision of the governor and council, assign the rooms in the state house and rooms elsewhere used by the commonwealth, and may determine the occupancy thereof in such manner as the public service may require; provided, that the executive and administrative departments of the commonwealth shall be provided with suitable quarters which shall, so far as is expedient, be in the state house; and provided further, that this section shall not apply to rooms assigned to or used by either branch of the general court or any committees or officers thereof, except with the written consent of the presiding officer of the branch using such rooms, or to rooms assigned to or used by joint com-

mittees of the general court, except with the written consent of the presiding officers of both branches of the general court, nor shall it apply to the rooms used by the Grand Army of the Republic of the department of Massachusetts under section seventeen, except with the consent of the commander thereof. He shall during the sessions of the general court, upon application of the sergeant-at-arms, assign such rooms as may be required for the use of committees and other purposes.

SECTION 5. Said chapter eight is hereby further amended by striking out section twelve, as so appearing, and inserting in place thereof the following:— *Section 12.* The superintendent shall take proper care to prevent any trespass on, or injury to, the state house or its appurtenances, or any other building or part thereof owned by or leased to the commonwealth for public offices; and, if any such trespass or injury is committed, he shall cause the offender to be prosecuted therefor. For any criminal offence committed in any part of the state house or the grounds appurtenant thereto, or in any other building owned by or leased to the commonwealth, the superintendent and his capitol police shall have the same power to make arrests as the state police officers. The superintendent may arm his capitol police and, in case of an emergency, may arm and detail as capitol police for extra duty such employees in his department as, in his judgment, the emergency requires for the proper protection of state property under his jurisdiction.

G. L. (Ter. Ed.), 8, § 12, amended.
Prevention of trespass on state house property.

SECTION 6. Nothing in this act shall be deemed to affect any provision of chapter three hundred and twenty-seven of the acts of nineteen hundred and thirty-five or to grant to or impose upon the state superintendent of buildings any powers, duties or obligations relative to the office building known as the Public Works building on Nashua street in the city of Boston other than as set forth in said chapter three hundred and twenty-seven, or to affect the civil service status of any officer or employee, under whatever title or designation appointed.

Effect of act limited.

Approved April 27, 1938.

AN ACT FURTHER DEFINING THE POWERS AND DUTIES OF REGISTRARS OF VOTERS RELATIVE TO BALLOTS CAST AT ELECTIONS BY PERSONS WHOSE RIGHT TO VOTE THEREAT WAS CHALLENGED.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-five of chapter fifty-four of the General Laws, as amended, is hereby further amended by striking out the first paragraph, as most recently amended by section one of chapter fifty-nine of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:— If, on or before five o'clock in the afternoon on the third day following an

G. L. (Ter. Ed.), 54, § 135, etc., amended.

Recounts.

election in a ward of a city or in a town, ten or more voters of such ward or town, except Boston, and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the preceding January first, and cause to be filed with the city or town clerk a statement, bearing a certificate by the registrars of voters of the number of names of subscribers which are names of registered voters in such ward or town, and sworn to by one of the subscribers, that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or, in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem such records or copies thereof to be in error, or that challenged votes were cast by persons not entitled to vote therein, and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelope containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, but not before the last hour for filing requests for recounts as aforesaid, open the envelopes, recount the ballots and determine the questions raised, and shall examine all ballots cast by or for challenged voters and reject any such ballot cast by or for a person found not to have been entitled to vote. They shall endorse on the back of every ballot so rejected the reason for such rejection and said statement shall be signed by a majority of said registrars. Upon a recount of votes for town officers in a town where the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

G. L. (Ter. Ed.), 54, § 135, etc., further amended.

SECTION 2. Said section one hundred and thirty-five of said chapter fifty-four, as amended, is hereby further amended by striking out the last paragraph, as appearing in chapter two hundred and seventy of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: —

Assistance for registrars.

Registrars of voters may employ such clerical assistance as they deem necessary to enable them to carry out this section and in the investigation of challenged votes may summon witnesses and administer oaths.

Approved April 27, 1938.

AN ACT EMPOWERING THE BEACON INSTITUTE OF PODIATRY TO GRANT CERTAIN DEGREES. *Chap.251*

Be it enacted, etc., as follows:

The Beacon Institute of Podiatry, an educational institution incorporated under general law on October twenty-eighth, nineteen hundred and thirty, under the name of New England School of Podiatry, and whose name was changed to its present name under general law on April twenty-ninth, nineteen hundred and thirty-two, is hereby authorized and empowered to grant the degree of doctor of surgical chiropody or podiatry to students properly accredited and recommended by a majority of its trustees and faculty; provided, that the course of instruction required for such degree shall occupy not less than three years and shall be approved, in accordance with the pertinent provisions of section two of chapter one hundred and twelve of the General Laws, as most recently amended by sections one and two of chapter two hundred and forty-seven of the acts of nineteen hundred and thirty-six, relative to the approval of a college, university or medical school, by the approving authority established under said section two.

Approved April 27, 1938.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE BERKSHIRE VILLAGE FIRE AND WATER DISTRICT. *Chap.252*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Lanesborough residing in that part of the town bounded and described as follows:— Beginning at a point in the center line of the New State road, so called, leading from Pittsfield to Adams where the same crosses the town line between Lanesborough and Cheshire; thence easterly on said town line five hundred feet to a point; thence southerly in a straight line a distance of four thousand feet to a point eight hundred feet easterly from the center line of said New State road; thence westerly on a line which runs parallel to the Cheshire-Lanesborough town line, above described, eight hundred feet to a point in the center line of the said State road; thence continuing in same course to the center line of the Berkshire Cross road, so called; thence northerly on a line which runs parallel to the easterly line of the district herein described to the thread of the Hoosac river; thence northerly along the center of the Hoosac river to the Cheshire-Lanesborough town line; thence easterly along said town line to the center line of the New State road at the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of Berkshire Village Fire and Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of

fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and to discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment for such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with the city of Pittsfield, or any other city or town acting through its water department, or with any water company, or with any other water district for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, stream, or spring, or of any ground sources of supply, by means of driven, artesian or other wells, within the town of Lanesborough, not already appropriated for the purposes of a public water supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of purification works, and may make excavations, procure, operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes

of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of Lanesborough. Said district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said district may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from said district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Berkshire Village Fire and Water District Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon said district by the assessors of said town annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of

water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in such board by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. A meeting or meetings of the voters of the territory included within the boundaries set forth in section one of this act shall, and, after the acceptance of this act, a meeting or meetings of the voters of such territory, or of the district in case additional territory has been included within its limits under section thirteen, may, be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take full effect, and the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 9. Said district shall, after acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or at a later meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner shall be elected by ballot for a term of three years. All the authority granted to said district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, how-

ever, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said commissioners are first elected and at each annual district meeting held thereafter, the commissioners shall elect by ballot a treasurer of the district, who may be a commissioner, and who shall give bond to the district in such an amount as may be approved by said commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of its water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said board of commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as said district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings of the district may be called, notified and conducted; and, upon the application of ten or more legal voters in said district, meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

SECTION 13. Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district, and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said commissioners shall cause a duly warned meeting of said district to be called, at which meeting the voters may vote on the question of including said real estate within said district. If a majority of the voters present and voting thereon vote in the affirmative, the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of said district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act present and voting thereon at a district meeting called in accordance with the provisions of section eight within three years after its passage.

Approved April 28, 1938.

Chap. 253 AN ACT RELATIVE TO THE REMOVAL OF SNOW AND ICE FROM PRIVATE WAYS OPEN TO THE PUBLIC USE IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council of said city; provided, that for the purposes of section twenty-five of chapter eighty-four of the General Laws, the removal of snow or ice from such a way shall not constitute a repair of a way.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Worcester at the next biennial city election in said city in the form of the following question which shall be placed on the official ballot to be used at said election: — “Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled ‘An Act relative to the removal of snow and ice from private ways open to the public use in the city of Worcester’, be accepted?” If a majority of the voters of said city vote in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 28, 1938.

AN ACT RELATIVE TO THE PAROLE AND DISCHARGE OF DEFECTIVE DELINQUENTS. Chap. 254

Be it enacted, etc., as follows:

SECTION 1. Section eighty-nine B of chapter one hundred and twenty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "that" in the eighth line the following: —, except in the case of an inmate of a department for defective delinquents, — so as to read as follows: — *Section 89B.* If, at said hearing, the contention of the petitioner is sustained, the probate court may order the immediate discharge of such person and file a copy of such order with the commissioner of mental diseases or the commissioner of correction, as the case may be, and such person shall thereupon be discharged accordingly. If such contention is not sustained, such person shall be remanded to the custody or supervision of the department of mental diseases or to the department for defective delinquents; provided, that, except in the case of an inmate of a department for defective delinquents, the probate court may, in lieu of such immediate discharge or remand, permit such person to remain in the custody of a relative or friend who shall give security, to be approved by the court, for his safe care and custody and for his appearance in court whenever required, until discharged or remanded as herein provided.

G. L. (Ter. Ed.), 123, § 89B, amended.

Discharge of persons from custody of department.

Hearing.

SECTION 2. Said chapter one hundred and twenty-three is hereby further amended by striking out section one hundred and eighteen, as so appearing, and inserting in place thereof the following: — *Section 118.* The parole board of the department of correction may parole inmates of the departments for defective delinquents or drug addicts on such conditions as it deems best, and may, at any time during the parole period, recall to the institution any inmate paroled. Said board shall not entertain a petition for parole of a person confined in the department for defective delinquents at the state farm, unless and until the superintendent thereof and the medical director appointed under section forty-eight of chapter one hundred and twenty-five certify to said board that such person is mentally and physically capable of taking his place in the community. In all other respects the parole of defective delinquents may be regulated by rules of the parole board.

G. L. (Ter. Ed.), 123, § 118, amended.

Parole, etc.

SECTION 3. Said chapter one hundred and twenty-three is hereby further amended by striking out section one hundred and nineteen, as so appearing, and inserting in place thereof the following: — *Section 119.* Any person may apply at any time to the justice of the district court in whose jurisdiction a department for drug addicts is located, for the discharge of any inmate of said department. A hearing shall thereupon be held, of which notice shall be given to the applicant and to the person in charge of the institution

G. L. (Ter. Ed.), 123, § 119, amended.

Parole and discharge by order of court.

where the inmate is confined. If after the hearing the justice shall find that it is probable that the inmate can be allowed to be at large without serious injury to himself, or damage or injury or annoyance to others, he may order the person having custody of said inmate to parole him. Further action on the application for the inmate's discharge shall be suspended for one year from the date of his parole. If, at any time prior to the expiration of said year, the justice of the court where the application was filed shall be satisfied that the best interests of said inmate, or of the public, require the recall of the inmate from parole, he may authorize the person having custody of the inmate to so recall him. If an application is denied, a new application shall not be made within one year after the date of the order denying the previous application. If at the end of said year the justice shall find that said inmate can be allowed to be permanently at large without serious injury to himself, or damage or injury or annoyance to others, he may order the person having custody of said inmate to discharge him. If a person discharged under this section is found by any court to have committed, after his discharge, any offence against the laws of the commonwealth, said court may commit such person to a department for drug addicts, without the certificate of any physician.

Approved April 28, 1938.

Chap. 255 AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE LANESBOROUGH VILLAGE FIRE AND WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Lanesborough residing in that part of the town bounded and described as follows:—Beginning at a point in the Lanesborough-Pittsfield town line distant one thousand feet westerly from the center line of Narragansett road, so called; thence northerly on a line which runs one thousand feet westerly from and parallel to the center line of said Narragansett road to the center line of Bull Hill road; thence continuing in same course five hundred feet to a point; thence southeasterly on a line which runs five hundred feet northeasterly from and parallel to the center line of said Bull Hill road to the thread of the Housatonic river; thence northerly up the thread of said river to a point five hundred feet southerly from the center line of New Ore Bed road; thence westerly on a line which runs five hundred feet southerly from and parallel to the center line of New Ore Bed road one thousand feet to a point; thence northerly on a line which runs one thousand feet westerly from and parallel to the thread of the Housatonic river to a point five hundred feet north of Nourses road, so called; thence easterly on a line which runs five hundred feet northerly from and parallel to the center line of said

road to the thread of said Housatonic river; thence up the thread of said river eighteen hundred feet to a point; thence easterly to the center line of Main street; thence continuing easterly across Main street five hundred feet to a point; thence running in a southerly direction in a line parallel to and five hundred feet easterly from the center line of North Main street to a point five hundred feet north of the center line of Akeroyd road; thence running easterly in a line parallel to the center line of Akeroyd road to a point five hundred feet westerly from Cheshire road, thence northeasterly on a line which runs five hundred feet westerly from and parallel to the center line of Cheshire road fifteen hundred feet to a point; thence easterly five hundred feet to the center line of Cheshire road; thence continuing across said road to a point five hundred feet southeasterly from its center line; thence running southwesterly parallel to the center line of Cheshire road, across Berkshire road to a point five hundred feet south of the center line of said road; thence running westerly in a line parallel to the center line of Berkshire Cross road to a point five hundred feet east of the center line of Main street; thence running southerly five hundred feet from and parallel to the center line of Main street to a point five hundred feet north of the center line of Irwin street; thence running easterly parallel to the center line of said Irwin street fifteen hundred feet; thence running due south to the Lanesborough-Pittsfield town line; thence running westerly by said town line to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Lanesborough Village Fire and Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and to discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment for such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with the city of Pittsfield, or any other city or town acting through its water department, or with any water company, or with any other water district for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, stream, or spring, or of any ground sources of supply, by means of

driven, artesian or other wells, within the town of Lanesborough, not already appropriated for the purposes of a public water supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of purification works, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of Lanesborough. Said district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said district may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from said district under said chapter seventy-nine; but the right

to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred and ten thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lanesborough Village Fire and Water District Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon said district by the assessors of said town annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in such board by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessments shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. A meeting or meetings of the voters of the territory included within the boundaries set forth in section one of this act shall, and, after the acceptance of this act, a meeting or meetings of the voters of such territory, or of the district in case additional territory has been included within its limits under section thirteen, may, be called, on petition of ten or more legal voters therein, by a warrant from the

selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take full effect, and the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 9. Said district shall, after acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted or at a later meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner shall be elected by ballot for a term of three years. All the authority granted to said district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said commissioners are first elected and at each annual district meeting held thereafter, the commissioners shall elect by ballot a treasurer of the district, who may be a commissioner, and who shall give bond to the district in such an amount as may be approved by said commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of its water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said board of commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges,

it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as said district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings of the district may be called, notified and conducted; and, upon the application of ten or more legal voters in said district, meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

SECTION 13. Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district, and not otherwise served by a public water supply, be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said commissioners shall cause a duly warned meeting of said district to be called, at which meeting the voters may vote on the question of including said real estate within said district. If a majority of the voters present and voting thereon vote in the affirmative, the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of said district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act present and voting thereon at a district meeting called in accordance with the provisions of section eight, within three years after its passage.

Approved April 28, 1938.

Chap.256 AN ACT AUTHORIZING THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE MOTHER OF JOHN MADDEN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation in the premises, the city of Boston may pay a sum, not exceeding five thousand dollars, to the mother of John Madden, who died on April twenty-first, nineteen hundred and thirty-four, as a result of injuries sustained while in the custody of the police attached to station ten of the police department of said city.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of the city of Boston, subject to the provisions of its charter, but not otherwise.

Approved April 28, 1938.

Chap.257 AN ACT TO AUTHORIZE THE REORGANIZATION OF THE BOARD OF ASSESSORS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter ninety-three of the Special Acts of nineteen hundred and eighteen is hereby amended by striking out, in the third line, the word "three" and inserting in place thereof the word: — five, — so as to read as follows: — *Section 1.* The assessing department of the city of Boston shall hereafter be under the direction of a board of five assessors who shall exercise the powers and perform the duties of assessors of taxes.

SECTION 2. Said chapter ninety-three is hereby further amended by striking out section two, as most recently amended by section one of chapter one hundred and ninety of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 2.* The mayor of the city shall appoint, and may at any time remove, in accordance with the provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, five assessors to hold office for terms of one, two, three, four, and five years, respectively, from the first day of April in the year nineteen hundred and thirty-eight. As the term of each assessor expires, the mayor in like manner shall appoint his successor for a term of five years from the first day of April in the year of appointment. The mayor shall also fill any vacancy for the unexpired term. The mayor shall designate the chairman of the board who shall receive an annual salary of seventy-five hundred dollars; the four other members of the board shall each receive an annual salary of six thousand dollars.

SECTION 3. The terms of office of the members of the board of assessors of the city of Boston in office immediately prior to the time when this act becomes fully effective shall terminate upon the qualification of the assessors appointed under section two.

SECTION 4. This act shall take full effect upon its acceptance during the current year by vote of the city council of the city of Boston, subject to the provisions of its charter, but not otherwise.

Approved April 28, 1938.

AN ACT ESTABLISHING THE WAREHAM AND ONSET SEWER DISTRICT OF WAREHAM AND AUTHORIZING THE DISTRICT TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

Chap. 258

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Wareham, hereinafter called the town, liable to taxation in said town and residing within the territory comprised within the boundary lines of the areas described herein shall constitute a sewer district and are hereby made a body corporate by the name of Wareham and Onset Sewer District of Wareham, hereinafter called the sewer district. The boundary lines of the areas above referred to are described as follows:— (1) At Wareham village, beginning at the point where the southerly line of the right of way of the New York, New Haven and Hartford Railroad intersects the center line of Main street westerly of the junction of Gibbs avenue and Main street; thence in a general southerly direction by a straight line to the intersection of the center line of Marion road and the center line of the culvert at Johnson's creek, sometimes known as Stony Run brook; thence in a southerly direction along the center line of Marion road to a point opposite the westerly boundary line of the property now or formerly of E. P. Beauchemin; thence at right angles to the center line of Marion road in a southerly direction to the northwesterly corner, at Marion road, of the aforesaid property now or formerly of E. P. Beauchemin and continuing southerly along the westerly boundary of said property and easterly along the southerly boundary of said property to the thread of Johnson's creek, sometimes called Stony Run brook; thence in a general southeasterly direction along the thread of said creek to the line of extreme low water, and along the line of extreme low water of the northerly shore of said creek and Broadmarsh river to the line of extreme low water of Wareham river; thence along the line of extreme low water of Wareham river in a northerly direction to the southerly line of the right of way of the New York, New Haven and Hartford Railroad; thence along said southerly line of the right of way of the New York, New Haven and Hartford Railroad to the point of beginning; (2) At Onset village, beginning at a point in the center line of Onset avenue, which point is five hundred feet northwesterly of the intersection of the center line of Onset avenue and the center line of Camp street, and running from said point of beginning in a northerly direction parallel to the center line of

Camp street a distance of seven hundred feet; thence turning and running at right angles with the line previously described in an easterly direction to the line of extreme low water on the southerly shore of Mud cove; thence in a southerly and easterly direction along the line of extreme low water of Mud cove and of Broad cove to the line of extreme low water in Onset bay; thence along the line of extreme low water in Onset bay in a southwesterly direction to the line of extreme low water in Shell Point bay; thence along the line of extreme low water in Shell Point bay, following the shore of Onset village and Sunset island, to a point where the line of extreme low water intersects the extension southerly of the line first mentioned in this description; thence from this intersection by a straight line to the point of beginning; (3) At Point Independence village, beginning at a point where the line of extreme low water at the south shore of Point Independence intersects the extension of a line running parallel to and one hundred feet westerly of the west line of Maple street; thence in a general northerly direction along said line, parallel to Maple street and the extension thereof to a point on the extension of said line which is two hundred feet northerly from the intersection of said line with the northerly line of Onset avenue; thence in a general westerly direction along a line parallel with the north line of Onset avenue to the intersection of said line with a line two hundred feet easterly of and parallel to the east line of Grove street; thence along the line parallel to the east line of Grove street in a northwesterly direction to the intersection of said line with a line two hundred feet east of and parallel to the east line of Locust avenue; thence along the line parallel to the east line of Locust avenue to a point of intersection with the east line of Grandview avenue; thence turning and running at right angles with the line previously described in a westerly direction to a point of intersection with the line of extreme low water on the easterly shore of Broad cove; thence southwesterly and southerly along the line of extreme low water of Broad cove and the line of extreme low water of Onset bay following the northerly shore, the westerly shore and the southerly shore of Point Independence to the point of beginning. The sewer district may lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewerage and sewage disposal, and may construct such sewers or drains or other works over or under land or tidewaters in the town as may be necessary to conduct the sewage to filter beds and treatment works, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best. And for the purposes aforesaid, the sewer district may, within its limits, make and maintain sub-drains, and, with the approval of the department

of public health, may discharge the water from such sub-drains into any brook, stream, watercourse or tidewaters within the town. The sewer district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. The sewer district may make and maintain, in any way therein where main drains or common sewers are constructed, such connecting drains, under-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. The first meeting of the voters of the territory included in the sewer district shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of the town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the sewer district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take full effect, and the meeting may then proceed to act on the other articles in the warrant.

SECTION 4. The sewer district, after the acceptance of this act, shall, either at the same meeting at which this act is accepted or at a later meeting called for the purpose, establish a board of sewer commissioners which shall consist of the chairman of the selectmen of the town, ex officio, and two other persons elected by ballot as hereinafter provided. At the meeting at which the board is established, one sewer commissioner shall be elected by and from the voters of the sewer district, who reside within the Onset village voting precinct of the town, for a term of one year from the next succeeding annual sewer district meeting, and one sewer commissioner, by and from the voters of the sewer district, who reside within the Wareham village voting precinct of the town, for a term of two years from the said next succeeding annual sewer district meeting, and at each annual district meeting after said next succeeding district meeting, a successor to the one whose term expires shall be elected in the same manner. All elective sewer commissioners shall serve until the qualification of their respective successors. At each annual district meeting the sewer district shall elect by ballot a clerk. All the authority granted to the sewer district by this act, except sections seven, eight and nine, and not otherwise specifically provided for, shall be vested in said board of sewer commissioners, who shall be subject, however, to such instructions, rules and regulations as the sewer district may by vote impose. At the meeting at which said sewer commissioners

are first elected and at each annual sewer district meeting held thereafter, the sewer district shall elect by ballot a treasurer of the sewer district, who shall not be a sewer commissioner thereof, and who shall give bond to the sewer district in such an amount as may be approved by said sewer commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said sewer commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in the office of an elective member of said board from any cause may be filled for the remainder of the unexpired term, at any legal meeting called for the purpose, in the same manner as hereinbefore provided for the election of his predecessor. No money shall be drawn from the treasury of the sewer district on account of its sewerage works except upon a written order of said sewer commissioners or a majority of them.

The sewer commissioners shall annually, and as often as the sewer district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

The sewer district may adopt by-laws prescribing by whom and how meetings of the sewer district may be called, notified and conducted; and, upon the application of ten or more legal voters in the sewer district, meetings may also be called by warrant as provided in section three.

SECTION 5. Said board of sewer commissioners, acting for and on behalf of said sewer district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers, sub-drains and under-drains under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 6. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover damages from the sewer district under chapter seventy-nine of the General Laws.

SECTION 7. The sewer district shall pay not less than one fourth nor more than two thirds of the whole cost of said system or systems of sewerage and sewage disposal. In providing for the payment of the remaining portion of the cost of said system or systems of sewerage and sewage disposal or for the use of said system or systems, the sewer district shall determine by vote which of the methods permitted by general laws it will adopt and shall by vote determine the sewer assessment rates and the basis for annual rental charges, if any, and the provisions of said general laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to the establishment of liens therefor under chapter eighty of the General Laws and to interest thereon, shall apply to assessments and annual rental charges, if any, made under this act, except that interest shall be at the rate of six per cent per annum.

SECTION 8. When a vote has been passed by the sewer district to determine the sewer assessment rates and the basis for annual rental charges, if any, the board of sewer commissioners shall determine the sewer assessments and charges to be made against each parcel of property within the sewer district and the clerk of the sewer district shall send a certified copy of the assessments and charges to be made against each said parcel of property to the assessors of the town. A sum which, with the income derived from sewer assessment rates and annual rental charges, will be sufficient to pay the annual expense of operating its system of sewerage and sewage disposal and the interest as it accrues on the bonds or notes issued, as provided in section nine, and to make such payments on the principal thereof as may be required under this act, shall without further vote be assessed upon the sewer district by the assessors of the town annually until the debt incurred by said loan or loans is extinguished.

The assessors of the town shall assess the assessments and charges hereinbefore provided for on property within the sewer district in the same manner in all respects in which town taxes are required by law to be assessed. A certified list of the estates exempt from assessment under the provisions of the general laws shall annually be sent by the board of sewer commissioners to said assessors, at the same time at which the clerk of the sewer district shall send a certified copy of the sewer assessments and charges to be made against each parcel of property. The assessments and charges shall be committed to the town collector, who shall collect the same in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the treasurer of the sewer district for the use and benefit of the sewer district. The sewer district may collect interest on overdue sewer assessments and other charges, if any, in the manner in which interest is authorized to be collected on town taxes. The collector of taxes

of the town shall certify the payment or payments of such assessments or apportionments thereof and charges, if any, to the sewer commissioners, who shall preserve a record thereof.

SECTION 9. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the sewer district may borrow, from time to time, such sums as may be necessary, not exceeding, in the aggregate, five hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Wareham and Onset Sewer District Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to districts.

SECTION 10. The receipts from sewer assessments and annual rental charges, if any, and from payments made in lieu thereof shall be appropriated for and applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes or to the payment of the principal of such bonds or notes.

SECTION 11. The clerk of the sewer district shall serve as clerk of the board of sewer commissioners. Said board of sewer commissioners may annually appoint a superintendent of sewers who shall not be a member of the board. It may remove the superintendent at its pleasure and shall define his duties.

SECTION 12. All contracts made by the board of sewer commissioners shall be made in the name of the sewer district and shall be signed by the board, but no contracts shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the sewer district therefor.

SECTION 13. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Wareham, if there be any, and, if not, then in some newspaper published in the county of Plymouth, and shall not take effect until such publications have been made.

SECTION 14. No act shall be done under authority of the preceding sections, except in the making of surveys, plans and other preliminary investigations, until the plans for

said system of sewerage and sewage disposal have been approved by the department of public health. Upon application to said department for its approval, it shall give a hearing, after due notice to the public. At such hearing, plans showing all the work to be done in constructing said system of sewerage and sewage disposal shall be submitted for the approval of said department.

SECTION 15. Upon a petition in writing addressed to said sewer commissioners requesting that certain real estate, accurately described therein located in said town, and not otherwise served by a public system of sewerage and sewage disposal, be included within the limits of the sewer district, and signed by the owners of such real estate, or a majority of the owners of such real estate, said sewer commissioners shall cause a duly warned meeting of the sewer district to be called, at which meeting the voters may vote on the question of including said real estate within the sewer district. If a majority of the voters present and voting thereon vote in the affirmative the clerk of the sewer district shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the sewer district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 16. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the sewer district by section one present and voting thereon at a sewer district meeting called, in accordance with the provisions of section three, within five years after its passage, but the number of meetings so called in any one year shall not exceed three.

Approved April 28, 1938.

AN ACT RELATIVE TO THE QUALIFICATIONS OF APPLICANTS *Chap.259*
FOR REGISTRATION AS QUALIFIED PHYSICIANS.

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and forty-seven of the acts of nineteen hundred and thirty-six is hereby amended by striking out, in the third line, the word "thirty-nine" and inserting in place thereof the word: — forty-one, — so as to read as follows: — *Section 3.* The provisions of said section two of said chapter one hundred and twelve as existing immediately prior to January first, nineteen hundred and forty-one, shall continue to govern as to the eligibility of any applicant for registration as a qualified physician who shall have matriculated prior to said date in any legally chartered medical school having power to confer degrees in medicine, but subject, however, to the provisions of section two of chapter one hundred and seventy-one of the acts of nineteen hundred and thirty-three.

SECTION 2. Section six of said chapter two hundred and forty-seven is hereby amended by striking out, in the fourth line, the word "thirty-nine" and inserting in place thereof the word:— forty-one, — so as to read as follows:— *Section 6.* The provisions of this act providing new eligibility requirements for applicants for registration as qualified physicians shall become effective January first, nineteen hundred and forty-one.

Approved May 2, 1938.

Chap.260 AN ACT TO AMEND THE CHARTER OF THE BARNSTABLE WATER COMPANY.

Emergency
preamble.

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section seven of chapter two hundred and eighty-six of the acts of nineteen hundred and eleven is hereby amended by striking out, in the third line, the word "forty" and inserting in place thereof the words:— one hundred, — and by striking out all after the word "corporation", in the third and fourth lines, and inserting in place thereof the following:— may be increased or reduced in the manner provided by chapters one hundred and fifty-five and one hundred and sixty-five of the General Laws and in any amendment thereof hereafter made, — so as to read as follows:— *Section 7.* Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value one hundred thousand dollars, and the capital stock of said corporation may be increased or reduced in the manner provided by chapters one hundred and fifty-five and one hundred and sixty-five of the General Laws and in any amendment thereof hereafter made.

Approved May 3, 1938.

Chap.261 AN ACT FURTHER EXTENDING THE PERIOD OF TIME WITHIN WHICH THE COMMISSIONER OF BANKS MAY BORROW FUNDS FOR THE PAYMENT OF DIVIDENDS IN THE LIQUIDATION OF CERTAIN CLOSED BANKS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose to afford relief without unnecessary delay to depositors in closed banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section two of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-two, as most recently amended by chapter two hundred and sixty-three of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the fourth line, the word "six" and insert-

ing in place thereof the word: — eight, — so as to read as follows: — *Section 2.* For the purpose of paying dividends in the liquidation of any such bank as provided in section one, the commissioner is hereby authorized in his discretion to borrow from time to time, within a period of eight years from the passage of this act, from such sources as he deems advisable, such sum or sums, for such periods, at such rates of interest and upon such terms and subject to such provisions as he shall determine and as the supreme judicial court for the county of Suffolk or for the county in which such bank has its principal place of business shall authorize; and as security therefor may pledge and assign any or all the assets of such bank.

Approved May 3, 1938.

AN ACT AUTHORIZING THE TOWN OF WESTFORD TO BORROW *Chap.262*
MONEY FOR REMODELING FROST SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling the Frost School building, the town of Westford may borrow from time to time, within a period of five years from the passage of this act, such sums of money as may be necessary, not exceeding, in the aggregate, twenty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Westford School Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1938.

AN ACT RELATIVE TO THE PREPARATION AND VERIFICATION *Chap.263*
OF LISTS OF OFFICIALS AND EMPLOYEES OF THE CITY OF
BOSTON AND COUNTY OF SUFFOLK AND TO THE PUBLICATION
OF CERTAIN COMPARATIVE TABLES OF THE NUMBERS OF
SUCH OFFICIALS AND EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and eighty-six of the acts of nineteen hundred and nine is hereby amended by striking out section twenty-seven, as most recently amended by section one of chapter one hundred and thirty-three of the acts of nineteen hundred and twenty-two, and inserting in place thereof the following: — *Section 27.* Every officer and board in charge of a department of the city of Boston or county of Suffolk shall, on or before the sixth day of January in the year nineteen hundred and thirty-nine, and on or before the sixth day of January in each year thereafter,

prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the first day of such January; and every such officer and board shall, on or before the sixth day of June, in each of the years nineteen hundred and thirty-eight to nineteen hundred and forty-three, inclusive, prepare and furnish to the city auditor a list of such officials and employees paid by the city or county on the first day of such June. Such lists shall give the names, residence by street and ward, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify said lists by the pay rolls and to keep a copy of said lists open for public inspection, and to prepare and publish in the City Record, in the year nineteen hundred and thirty-nine and annually thereafter, a comparative table containing the number of such officials and employees holding office or employed in each such department or board and paid by the city or county on the first day of January in each of the ten years next preceding such publication; and, in addition, in each of the years nineteen hundred and thirty-eight to nineteen hundred and forty-three, inclusive, he shall prepare and publish in the City Record a comparative table showing the number of such officials and employees holding office or employed in each such department or board and paid by the city or county on the first day of June in each of the ten years next preceding such publication. Each such comparative table of the number of such officials and employees paid by the city or county on the first day of January, in any year, shall be so published not later than during the first week in the month of March next following; and each such comparative table of the number of such officials and employees paid by the city or county on the first day of June, in each of the years nineteen hundred and thirty-eight to nineteen hundred and forty-three, inclusive, shall be so published not later than during the first week in the month of August next following.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1938.

Chap. 264 AN ACT RELATIVE TO TIME OFF FOR GOOD BEHAVIOR IN THE CASE OF PRISONERS IN CERTAIN STATE PENAL AND REFORMATORY INSTITUTIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 127,
§ 130, amended.

SECTION 1. Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section

one hundred and thirty, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

Section 130. Every officer in charge of a prison or other place of confinement, except the state farm, shall keep a record of the conduct of each prisoner in his custody whose term of imprisonment is four months or more. Every such prisoner whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment shall be entitled to a deduction from the maximum term for which he may be held under his sentence, which shall be determined as follows: upon a sentence of not less than four months and less than one year, one day for each month; upon a sentence of not less than one year and less than three years, three days for each month; upon a sentence of not less than three years and less than five years, four days for each month; upon a sentence of not less than five years and less than ten years, five days for each month; upon a sentence of ten years or more, six days for each month. If a prisoner has two or more sentences to be served otherwise than concurrently, the aggregate of his several sentences shall be the basis upon which the deduction shall be determined. A prisoner who is entitled to such deduction shall receive a written permit to be at liberty during the time so deducted, upon such terms as the board which grants the permit shall prescribe, which, in the case of a prisoner sentenced or transferred to a state institution, shall include a minimum requirement that he shall reside in a home approved by said board. If a prisoner violates any of the rules of his prison or other place of confinement, in the case of a prisoner sentenced or transferred to a state institution, the commissioner, upon recommendations and evidence submitted to him in writing by the warden, superintendent or officer in charge, and, in the case of a prisoner sentenced to and confined in a county institution, the board authorized to grant permits to such prisoners, shall decide what part of such deduction shall be forfeited by such violation. If, during the term of imprisonment of a prisoner sentenced or transferred to a state institution, such prisoner shall commit any offence of which he shall be convicted, all such deductions shall be thereby forfeited.

Record of
conduct of
prisoners.

SECTION 2. In addition to prisoners sentenced after the effective date of this act to which the provisions thereof apply, it shall also apply to prisoners sentenced on or before said date to state penal or reformatory institutions and to violations of regulations committed by prisoners so sentenced on or before said date.

Application
of act extended.

Approved May 3, 1938.

Chap. 265 AN ACT RELATIVE TO CONTROL OF DISEASES DANGEROUS TO
THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 71, § 54,
amended.

Physical
examination
of pupils, etc.

SECTION 1. Section fifty-four of chapter seventy-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "and diagnosis" and by striking out, in the same line, the words "hereinafter provided" and inserting in place thereof the words:— provided in this chapter,— so as to read as follows:— *Section 54.* Every school physician shall make a prompt examination of all children referred to him as provided in this chapter, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require. Every such physician who is assigned to perform the duty of examining children who apply for health certificates shall make a prompt examination of every child who wishes to obtain an employment certificate, as provided in section eighty-seven of chapter one hundred and forty-nine, and who presents to said physician the pledge or promise of the employer, as provided in said section; and the physician shall certify in writing whether or not in his opinion such child is in sufficiently sound health and physically able to perform the work described in said pledge or promise.

G. L. (Ter.
Ed.), 71, § 55,
amended.

Examination
of pupils
returning after
illness.

SECTION 2. Said chapter seventy-one is hereby further amended by striking out section fifty-five, as so appearing, and inserting in place thereof the following:— *Section 55.* A child infected, or in a household where a person is infected, with a disease dangerous to the public health as defined in accordance with section six of chapter one hundred and eleven, or in a household exposed to contagion from any such disease in another household, shall not attend any public school while he is so infected or remains in a household where such infection or exposure exists. A child returning to school after having been absent on account of such infection or exposure shall present a certificate from the board of health or its duly appointed agent that the danger of conveying such disease by such child has passed; provided, that if such a child returns to school without such a certificate, after having been absent on account of such infection or exposure, he shall immediately be referred to a school physician for examination and, if it is found by such physician upon such examination that such danger has passed, he may remain at school.

G. L. (Ter.
Ed.), 71,
new section
55A, added.

Pupils sick
to be sent
home.

SECTION 3. Said chapter seventy-one is hereby further amended by inserting after section fifty-five, as so appearing, the following new section:— *Section 55A.* A child showing signs of ill health or of being infected with a disease dangerous to the public health as defined in accordance with section six of chapter one hundred and eleven shall be sent home immediately, or as soon as safe and proper con-

veyance can be found, or shall be referred to a school physician, who may direct that such child be sent home. In the case of schools remotely situated, such other steps may be taken as will best effectuate the purpose of this section and ensure the safety of such child and of other pupils. The superintendent of schools shall immediately cause the board of health to be notified of all children excluded under this section by reason of any disease dangerous to the public health.

SECTION 4. Said chapter seventy-one is hereby further amended by striking out section fifty-six, as so appearing, and inserting in place thereof the following:— *Section 56.* If any child is found to be suffering from any disease or defect, or if any child is found to have any defect or disability requiring treatment, the school committee shall forthwith notify the parent or guardian of such child.

G. L. (Ter. Ed.), 71, § 56, amended.

Procedure in case of dangerous diseases.

SECTION 5. Chapter seventy-six of the General Laws is hereby amended by striking out section fifteen, as so appearing, and inserting in place thereof the following:— *Section 15.* An unvaccinated child shall not be admitted to a public school except upon presentation of a physician's certificate like the physician's certificate referred to in section one hundred and eighty-three of chapter one hundred and eleven.

G. L. (Ter. Ed.), 76, § 15, amended.

Vaccination.

SECTION 6. Section one of chapter one hundred and eleven of the General Laws, as so appearing, is hereby amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 111, § 1, amended.

“Disease dangerous to the public health” shall include all diseases defined as such in accordance with section six.

Definition.

SECTION 7. Said chapter one hundred and eleven is hereby further amended by striking out section six, as so appearing, and inserting in place thereof the following:— *Section 6.* The department shall have the power to define, and shall from time to time define, what diseases shall be deemed to be dangerous to the public health, and shall make such rules and regulations consistent with law for the control and prevention of such diseases as it deems advisable for the protection of the public health.

G. L. (Ter. Ed.), 111, § 6, amended.

Dangerous diseases to be defined.

SECTION 8. Said chapter one hundred and eleven is hereby further amended by striking out section ninety-six, as so appearing, and inserting in place thereof the following:— *Section 96.* A magistrate authorized to issue warrants may issue a warrant directed to the sheriff of the county or his deputy, or to any constable or police officer, requiring him, under the direction of the board of health, to remove any person infected with a disease dangerous to the public health or who is a carrier of the causative agent thereof, or to take control of convenient houses and lodgings, and to impress into service and use such convenient houses, lodgings, nurses, attendants and other necessities. The removal authorized by this section may be made to a hospital in any town established for the reception of persons having

G. L. (Ter. Ed.), 111, § 96, amended.

Warrants to remove sick persons.

diseases dangerous to the public health; provided, that the assent of the board of health of the town to which such removal is to be made shall first have been obtained.

G. L. (Ter. Ed.), 111, new section 96A, added.

Transportation of person infected with certain diseases.

SECTION 9. Said chapter one hundred and eleven is hereby further amended by inserting after said section ninety-six the following new section:— *Section 96A.* No town shall transport or permit to be transported to another town any person infected with a disease dangerous to the public health, without first obtaining the assent of the board of health of the town to which the patient is to be transported; but this requirement shall not apply to transportation to a hospital except under section ninety-six.

G. L. (Ter. Ed.), 111, § 97, amended.

Limitation of preceding sections.

SECTION 10. Said chapter one hundred and eleven is hereby further amended by striking out section ninety-seven, as so appearing, and inserting in place thereof the following:— *Section 97.* Sections ninety-five and ninety-six, so far as they confer authority for the removal of patients from their homes, shall apply only to persons residing in boarding houses or hotels, or to two or more families occupying the same dwelling, or in other cases where, in the opinion of the board, the patient cannot properly be isolated.

G. L. (Ter. Ed.), 111, § 104, amended.

Notice of infected places.

SECTION 11. Said chapter one hundred and eleven is hereby further amended by striking out section one hundred and four, as so appearing, and inserting in place thereof the following:— *Section 104.* If a disease dangerous to the public health exists in a town, the selectmen and board of health shall use all possible care to prevent the spread of the infection and may give public notice of infected places by such means as in their judgment may be most effectual for the common safety. Whoever obstructs the selectmen, board of health or its agent in using such means, or whoever wilfully and without authority removes, obliterates, defaces or handles such public notices which have been posted, shall forfeit not less than ten nor more than one hundred dollars.

G. L. (Ter. Ed.), 111, § 107, amended.

Transportation of infected dead bodies regulated.

SECTION 12. Said chapter one hundred and eleven is hereby further amended by striking out section one hundred and seven, as so appearing, and inserting in place thereof the following:— *Section 107.* No person shall convey or cause to be conveyed through or from any town in the commonwealth the body of any person who has died from any disease dangerous to the public health, except in accordance with such rules and regulations as may be made from time to time by the department. No town clerk, or clerk or agent of the board of health, shall give a permit for the removal of such a body until he has received from the board of health of the town where the death occurred a certificate stating the cause of death, and that said body has been prepared so as to preclude danger of contagion or infection by its transportation. The certificate shall be delivered to the agent or person receiving the body. The department shall formulate such rules and regulations pertaining to funerals of all persons dying from any disease dangerous to

the public health as it deems necessary to prevent the spread of infection. Whoever violates any provision of this section or any rule or regulation made hereunder shall forfeit not more than twenty-five dollars.

SECTION 13. Said chapter one hundred and eleven is hereby further amended by striking out section one hundred and nine, as so appearing, and inserting in place thereof the following: — *Section 109.* A householder who knows or has cause to believe that a person in his family or house is infected with a disease dangerous to the public health shall forthwith give notice thereof to the board of health of the town where such householder dwells, unless a physician is in attendance. Upon the death, recovery or removal of such person, the householder shall disinfect to the satisfaction of the board such rooms of his house and articles therein as, in the opinion of the board, have been exposed to infection or contagion, but the board may in its discretion, disinfect all such premises as, in its opinion, have been exposed to any disease dangerous to the public health, at the expense of the town, and may employ any proper and competent person to so disinfect. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

G. L. (Ter. Ed.), 111, § 109, amended.

Householder to give notice of dangerous diseases.

SECTION 14. Said chapter one hundred and eleven is hereby further amended by striking out section one hundred and eleven, as so appearing, and inserting in place thereof the following: — *Section 111.* If a physician knows or has cause to believe that a person whom he visits is infected with a disease dangerous to the public health, or if either eye of an infant whom or whose mother a physician, or a hospital medical officer registered under section nine of chapter one hundred and twelve, visits, becomes inflamed, swollen and red, or shows an unnatural discharge within two weeks after birth, he shall immediately give written notice thereof, signed by him, to the board of health of the town where the patient is being attended by him. If the board of health which receives such written notice is the board of health of a town other than that wherein the patient dwells, it shall, immediately upon receipt of such notice, send a copy thereof to the board of health of the town wherein the patient dwells; and, in addition thereto, the board of health which receives such written notice, whether or not it is the board of health of the town wherein the patient dwells, shall send a copy thereof to the board of health of the town in which the patient is known to have contracted such disease and to the board of health of each town in which he is known to have exposed any person to such disease. If a physician or such a hospital medical officer refuses or neglects to give the notice required by this section he shall be punished by a fine of not less than fifty nor more than two hundred dollars.

G. L. (Ter. Ed.), 111, § 111, amended.

Physicians to report names of persons infected with certain diseases.

The foregoing provisions of this section and the provisions of section one hundred and nine shall not apply to

gonorrhea and syphilis, except in the case of eye infections in infants under two weeks of age. Any person having either of said diseases shall be reported to local boards of health, either directly or through the department, in accordance with such special rules and regulations as the department may make, having due regard for the best interests of the public.

G. L. (Ter. Ed.), 111, § 112, amended.

Local board to notify department.

SECTION 15. Section one hundred and twelve of said chapter one hundred and eleven, as so appearing, is hereby amended by striking out all after the word "welfare" in the sixth line, — so as to read as follows: — *Section 112.* If the board of health of a town has had notice of a case of any disease declared by the department dangerous to the public health therein, it shall within twenty-four hours thereafter give notice thereof to the department, stating the name and the location of the patient so afflicted, and upon request the department shall forthwith certify any such reports to the department of public welfare.

G. L. (Ter. Ed.), 111, § 113, amended.

Records and reporting of dangerous diseases.

SECTION 16. Said chapter one hundred and eleven is hereby further amended by striking out section one hundred and thirteen, as so appearing, and inserting in place thereof the following: — *Section 113.* Every board of health shall keep a record of all reports received pursuant to sections one hundred and nine to one hundred and eleven, inclusive, containing the name and location of all persons who are infected, their disease, the name of the person reporting the case, the date of such report, and other information required by the department. Such records shall be kept in the manner or upon forms prescribed by the department. The board of health shall forthwith give information to the school committee of all diseases dangerous to the public health so reported to it. Every board of health shall appoint some person, who may or may not be a member of the board, who shall give notice to the department, as provided in the preceding section, of any person infected with a disease dangerous to the public health; and in case of the absence or disability of such appointee, the board of health shall appoint another person to perform this duty during such absence or disability. Such appointments and the acceptance thereof by the persons so appointed shall be placed upon the records of the board. Any person, having accepted such appointment, who wilfully refuses or wilfully neglects or through gross negligence fails to give such notices shall be punished by a fine of not more than fifty dollars.

G. L. (Ter. Ed.), 111, §§ 176-180, inclusive, repealed.

SECTION 17. Sections one hundred and seventy-six to one hundred and eighty, inclusive, of said chapter one hundred and eleven, as so appearing, are hereby repealed.

Approved May 3, 1938.

AN ACT PLACING CERTAIN CORPORATIONS UNDER THE SUPERVISION OF THE COMMISSIONER OF BANKS, AND FURTHER REGULATING BANKING COMPANIES. *Chap. 266*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-seven of the General Laws is hereby amended by inserting after section eleven, as amended, the following new section:— *Section 11A.* Any corporation conducting the business referred to in section one of chapter one hundred and seventy-two A, whether or not such corporation shall have been authorized to do the business of a banking company under said chapter, shall be subject to the supervision of the commissioner and, except as otherwise provided in this section, the provisions of sections four to eight, inclusive, and ten to fourteen, inclusive, of said chapter shall apply to such corporation. Any such corporation shall carry on only such business and shall make only such investments as are authorized by said chapter; provided, that in the case of any corporation subject to section seven A thereof, the holding and disposition of assets not authorized as investments by section seven thereof shall be governed by said section seven A. The rates of interest charged on loans coming within the limitations of section ninety-six of chapter one hundred and forty by any corporation conducting the business hereinbefore referred to shall not exceed the rates established by the commissioner pursuant to section one hundred of chapter one hundred and forty, but whenever any such corporation shall have been authorized to do the business of a banking company under said chapter one hundred and seventy-two A the rates of interest authorized by section nine of said chapter shall apply. No such corporation incorporated after January first, nineteen hundred and thirty-eight, shall transact in this commonwealth the business referred to in section one of said chapter until it shall have received a certificate from the board of bank incorporation under section two of said chapter.

G. L. (Ter. Ed.), 167, new section 11A, added. Supervision of Morris plan banks.

SECTION 2. Chapter one hundred and seventy-two A of the General Laws is hereby amended by striking out section one, as appearing in section four of chapter four hundred and fifty-two of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:— *Section 1.* Any corporation established under chapter one hundred and fifty-six which has an unimpaired paid-in capital of not less than fifty thousand dollars and is conducting or proposes to conduct within the commonwealth the business of loaning money on the Morris plan, so called, or upon any similar plan, and in connection therewith receives or proposes to receive money in one payment or in instalments upon certificates issued by it, may be authorized to do the business of a banking company in the manner and subject to the conditions and limitations specified in this chapter;

G. L. (Ter. Ed.), 172A, § 1, etc., amended.

Banking company, defined.

provided, that no such corporation shall be authorized to do such business in any city having a population of more than three hundred thousand unless it has an unimpaired paid-in capital of not less than two hundred thousand dollars, or in any city having a population of more than one hundred thousand but not exceeding three hundred thousand unless it has an unimpaired paid-in capital of not less than one hundred thousand dollars.

G. L. (Ter. Ed.), 172A, new section 1A, added.

Application to existing companies.

SECTION 3. Said chapter one hundred and seventy-two A is hereby further amended by inserting after section one, as so appearing, the following new section: — *Section 1A.* Any such corporation which was incorporated prior to January first, nineteen hundred and thirty-eight, and which, prior to said date, was conducting the business referred to in section one, may, if a certified public accountant, approved by the commissioner of banks, in this chapter called the commissioner, shall have filed with the commissioner a certificate attesting that such corporation is in possession of the unimpaired paid-in capital required by section one, at a meeting duly called for the purpose, vote by a two thirds vote of each class of stock outstanding and entitled to vote to carry on the business of a banking company.

G. L. (Ter. Ed.), 172A, § 2, amended.

Certificate to do business.

SECTION 4. Section two of said chapter one hundred and seventy-two A, as so appearing, is hereby amended by inserting after the word "corporation" in the first line the following: — incorporated after January first, nineteen hundred and thirty-eight, — and by inserting after the word "outstanding" in the third line the words: — and entitled to vote, — so as to read as follows: — *Section 2.* Any such corporation incorporated after January first, nineteen hundred and thirty-eight, may at a meeting duly called for the purpose by a two thirds vote of each class of stock outstanding and entitled to vote authorize an application to the board of bank incorporation, in this chapter referred to as the board, for a certificate authorizing it to carry on business of the character and in the manner set forth in this chapter in a specified city or town within the commonwealth. Such application shall be made in writing by the president or the treasurer in such form as the board shall approve. A notice of such application and of the time fixed for a hearing thereon, in such form as the board shall approve, shall be published at least once a week for three successive weeks in one or more newspapers designated by the board and published in or nearest to the city or town in which the corporation proposes to carry on such business. If the board after a hearing shall determine that public convenience and advantage will be promoted by the granting of the application and that the corporation is in a sound and safe condition to carry on such business, it shall issue such a certificate in such form as it shall determine.

G. L. (Ter. Ed.), 172A, § 3, amended.

SECTION 5. Said chapter one hundred and seventy-two A is hereby further amended by striking out section three, as so appearing, and inserting in place thereof the follow-

ing: — *Section 3.* In the case of a corporation referred to in section two, within thirty days after receiving a certificate under said section, or, in the case of a corporation referred to in section one A, after action by its stockholders and the filing of the certificate as provided in said section, the directors of any such corporation may, without further vote of its stockholders, by the procedure established by section forty-three of chapter one hundred and fifty-six, so far as applicable, change its corporate name by inserting therein the word "Banking" or the words "Banking Company". Upon such change of name becoming effective such corporation may carry on business under this chapter and shall thereafter carry on no other business. Its corporate powers shall thereupon be deemed to be amended accordingly. It shall not thereafter be subject to the requirements of sections forty-seven to fifty-one, inclusive, of said chapter one hundred and fifty-six. Thereafter all provisions of general law from time to time applicable to the increase or the reduction of the capital stock of trust companies shall apply to such corporation, and no person shall be a director of any such corporation unless he is a stockholder of record holding unpledged shares of stock therein of an aggregate value of not less than one thousand dollars, shares of stock with par value to be computed for this purpose at their par value and shares without par value to be computed at the value, at the time of issue, of the cash, property, services or expenses for which they were issued, but not including paid-in surplus.

When authorized to do business.

SECTION 6. Section four of said chapter one hundred and seventy-two A, as so appearing, is hereby amended by striking out, in the second and third lines, the words "of banks, in this chapter called the commissioner," — so as to read as follows: — *Section 4.* Such corporation shall at such times as the commissioner orders, but not exceeding five times within a calendar year, and within ten days after a day designated in the order, make return to the commissioner, signed and sworn to by its president and treasurer and not less than three of its board of directors, showing accurately the condition of such corporation at the close of business on the day designated. Said return shall be in such form and shall specify such items of the corporation's assets and liabilities as the commissioner shall prescribe. It shall be published at such times and in such manner as the commissioner shall direct by and at the expense of such corporation in a newspaper published in or nearest to the city or town where such corporation is located.

G. L. (Ter. Ed.), 172A, § 4, amended.

Returns to be made.

SECTION 7. Section five of said chapter one hundred and seventy-two A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following: — Such corporation may receive deposits of money in one payment or in instalments, upon certificates which it may issue, fixing the amount received or to be received thereon, the time and other terms of repayment and

G. L. (Ter. Ed.), 172A, § 5, amended.

Receipt of deposits.

the rate of interest to be paid. Deposits of money thus received are hereinafter in this chapter referred to as certificate funds. No interest shall be specified in any certificate or paid on any certificate funds in excess of five per cent per annum, except with the approval of the commissioner. No certificate shall be issued for an amount less than fifty dollars and the total amount of all certificates issued to any individual, estate, trust, corporation, association or partnership shall not exceed five thousand dollars; provided, that the limitations upon the issuance of certificates imposed by this sentence shall not apply to certificates issued prior to October first, nineteen hundred and thirty-eight.

G. L. (Ter. Ed.), 172A, new section 7A, added.

Application to existing companies of certain provisions.

SECTION 8. Said chapter one hundred and seventy-two A is hereby further amended by inserting after section seven, as so appearing, the following new section:— *Section 7A.* Notwithstanding the provisions of the preceding section, any such corporation incorporated prior to January first, nineteen hundred and thirty-eight, may continue to carry assets, including any renewals thereof or substitutions therefor, not authorized as investments by said section acquired by it prior to October first, nineteen hundred and thirty-eight; provided, that, prior to October first, nineteen hundred and forty-three, such corporation shall sell or otherwise dispose of such assets, except capital stock held prior to January first, nineteen hundred and thirty-eight, of other affiliated corporations engaged in whole or in part in the same business and incorporated prior to said date, but the commissioner on petition of the directors of any such corporation, and for cause, may grant to such corporation additional time for the sale or other disposition of any or all of such assets.

G. L. (Ter. Ed.), 172A, § 6, amended.

Withdrawal of funds.

SECTION 9. Said chapter one hundred and seventy-two A is hereby further amended by striking out section six, as so appearing, and inserting in place thereof the following:— *Section 6.* The amount paid on any certificate, whether matured or not, if not pledged to the corporation, may be withdrawn by the certificate holder at any time as a whole by the surrender of his certificate, upon giving ninety days written notice to the treasurer of his intention so to do, subject, however, to such other provisions relative to repayment as are provided by the certificate; but the treasurer may waive such a notice, in his discretion, under such restrictions as may be imposed by the directors. Upon such withdrawals there shall be such adjustment of interest as the certificate shall provide.

Approved May 3, 1938.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF
SOLDIERS' RELIEF AGENT OF THE TOWN OF SAUGUS UNDER
THE CIVIL SERVICE LAWS. Chap.267

Be it enacted, etc., as follows:

SECTION 1. The office of soldiers' relief agent of the town of Saugus shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent of said office shall be unlimited, subject, however, to said laws, but the incumbent of said office on said effective date shall continue to serve therein under his then current appointment only until the qualification of the person appointed thereto after a competitive civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of said town at the annual town meeting in the year nineteen hundred and thirty-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the Office of Soldiers' Relief Agent of the Town of Saugus under Civil Service Laws' be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

(The foregoing was laid before the governor on the twenty-eighth day of April, 1938, and after five days it had "the force of a law", as prescribed by the constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO THE LAYING OUT, LOCATING ANEW,
ALTERING, WIDENING AND DISCONTINUING TOWN WAYS
AND STREETS IN THE CITY OF SOMERVILLE. Chap.268

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter two hundred and forty of the acts of eighteen hundred and ninety-nine is hereby amended by striking out subsection 3 and inserting in place thereof the following:—

3. Subject to the veto power of the mayor, as hereinbefore provided, the power, without appeal from its decision, to lay out, locate anew, alter, widen and discontinue town ways and streets and to order specific repairs or a change of grade therein; to order the construction of sidewalks and of sewers, and to take real estate therefor. Any such taking shall be made under chapter seventy-nine of the General Laws, and any person injured in his real estate by any act done by said board hereunder may recover his damages under said chapter. No town way or street shall be laid out, located anew, changed as to grade or otherwise,

widened or discontinued, until a public hearing has been had, after notice given in accordance with the general laws relating to town ways. Said hearing may be adjourned from time to time. Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners of Middlesex county in respect to ways, streets and highways in said city.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1938.

Chap. 269 AN ACT RELATIVE TO WATER SUPPLY SOURCES FOR THE HOUSATONIC WATER WORKS COMPANY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

Chapter two hundred and sixty-two of the acts of eighteen hundred and eighty-four is hereby amended by striking out section two, as incorporated by reference in chapter two hundred and twenty-nine of the acts of eighteen hundred and ninety-seven, and inserting in place thereof the following:— *Section 2.* Said corporation for the purposes aforesaid may contract with any municipality, acting through its water department, or with any other water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, all the water of Long pond or Long lake, so called, in the town of Great Barrington, or the waters, or any portion thereof, of any pond, spring or stream, or any ground water sources, within said town not already appropriated for the purposes of a public supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to, into and through the villages of Housatonic and Van Deusenville and their vicinage; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location and arrangement of all dams, reservoirs, wells, pumping and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said corporation may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs,

standpipes, tanks, pumping plants, buildings, fixtures and other structures including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, watercourses, railroads, railways and public or other ways, and along such ways, within said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, the corporation may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said corporation shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said water works corporation may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

Approved May 5, 1938.

AN ACT RELATIVE TO CERTAIN ALLOWANCES FOR PRIOR SERVICE UNDER CONTRIBUTORY RETIREMENT SYSTEMS FOR CITIES AND TOWNS.

Chap. 270

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Section twenty-nine of chapter thirty-two of the General Laws, as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, is hereby amended by adding at the end of clause (c) of paragraph (2) the following:—; provided, that if his annual rate of regular compensation has been reduced as a part of a temporary general reduction during the preceding five years the annual rate shall be computed on the basis of the regular rate that he would have received had there been no such reduction, unless he shall file on or before July first, nineteen hundred and thirty-eight, with the head

G. L. (Ter.
Ed.), 32, § 29,
etc., amended.

of his department or with the retirement board of the city or town, a certificate in such form as the retirement board shall prescribe, stating that he elects to have his retirement allowance computed on the basis of his salary or compensation as so reduced, — so that said clause (c) will read as follows: —

Allowance for
prior service.

(c) If he has a prior service certificate in full force and effect, an additional pension equal to the full life annuity payable at his attained age, or at the maximum retirement age of his group, whichever is the lesser, which would have resulted from accumulated deductions of ten per cent of his average annual rate of regular compensation, not exceeding fifty dollars per week, during the five years immediately preceding the date on which the system became operative, made during the period of his creditable prior service and accumulated with regular interest at the rate of three per cent to the date of his retirement; provided, that if his annual rate of regular compensation has been reduced as a part of a temporary general reduction during the preceding five years the annual rate shall be computed on the basis of the regular rate that he would have received had there been no such reduction, unless he shall file on or before July first, nineteen hundred and thirty-eight, with the head of his department or with the retirement board of the city or town, a certificate in such form as the retirement board shall prescribe, stating that he elects to have his retirement allowance computed on the basis of his salary or compensation as so reduced.

Approved May 5, 1938.

Chap.271 AN ACT AUTHORIZING MALKIN CONSERVATORY OF MUSIC TO GRANT THE DEGREE OF BACHELOR OF MUSIC.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Malkin Conservatory of Music, a corporation organized and established under general law, is hereby authorized and empowered to grant to students properly accredited and recommended by the faculty of said conservatory the degree of bachelor of music.

Approved May 5, 1938.

Chap.272 AN ACT REQUIRING CANDIDATES FOR NOMINATION BY A POLITICAL PARTY AT A STATE PRIMARY FOR AN OFFICE TO BE FILLED BY ALL THE VOTERS OF THE COMMONWEALTH TO BE CERTIFIED AS ENROLLED MEMBERS OF SUCH PARTY.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 53, § 48,
etc., amended.

Section forty-eight of chapter fifty-three of the General Laws, as amended by section fifteen of chapter three hundred and ten of the acts of nineteen hundred and thirty-two,

is hereby further amended by adding at the end the following new paragraph: —

There shall not be printed on the ballot at a state primary the name of any person as a candidate for nomination for any office to be filled by all the voters of the commonwealth, unless a certificate from the registrars of voters of the city or town where such person resides that he is enrolled as a member of the political party whose nomination he seeks is filed with the state secretary on or before the last day herein provided for filing nomination papers. Said registrars shall issue such a certificate forthwith upon request of any such candidate so enrolled or of his authorized representative.

Nomination
papers of
candidates
for state
wide offices.

Approved May 5, 1938.

AN ACT TO CONSOLIDATE THE WATER AND MUNICIPAL LIGHT COMMISSIONERS AND THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF WELLESLEY.

Chap. 273

Be it enacted, etc., as follows:

SECTION 1. The board of sewer commissioners of the town of Wellesley, established under chapter five hundred and sixty-seven of the acts of nineteen hundred and seven, is hereby abolished and all the powers, duties and liabilities of said board are hereby transferred to the board of water and municipal light commissioners of said town, established under chapter one hundred and forty-four of the acts of nineteen hundred and two, which latter board shall hereafter be known as the board of water, sewer and municipal light commissioners. No contracts, rights, liabilities or suits existing at the time of such transfer shall be affected in any way thereby, but said board of water, sewer and municipal light commissioners shall, in all respects and for all purposes whatsoever, be the lawful successors of said board of sewer commissioners.

SECTION 2. This act shall take effect on July first in the current year.

Approved May 5, 1938.

AN ACT REQUIRING SEMI-MONTHLY PAYMENTS OF OLD AGE ASSISTANCE, SO CALLED, IN CERTAIN CASES.

Chap. 274

Be it enacted, etc., as follows:

Section one of chapter one hundred and eighteen A of the General Laws, as amended by section one of chapter four hundred and forty of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "requests" in the thirty-second line the words: —, shall be paid semi-monthly unless the applicant prefers less frequent payments, — so that the last sentence will read as follows: — Such assistance shall be paid by check or in cash, which shall be delivered to the applicant at his residence if he so requests, shall be paid semi-monthly unless the applicant prefers less frequent payments, and shall,

G. L. (Ter.
Ed.), 118A,
§ 1, etc.,
amended.

Semi-monthly
payments.

except as hereinafter provided, be at a rate of not less than thirty dollars monthly for each recipient, or, in case of a husband and wife living together, both of whom are eligible for such assistance, not less than fifty dollars monthly for both, or, in case of sisters or brothers or sisters and brothers living together, all of whom are so eligible, not less than fifty dollars monthly for two, and not less than fifteen dollars monthly for each additional brother or sister so eligible.

Approved May 5, 1938.

Chap. 275 AN ACT PROVIDING THAT AMOUNTS RECOVERABLE FROM ANY MUNICIPALITY FOR WELFARE RELIEF PROVIDED FOR PERSONS HAVING A LAWFUL SETTLEMENT THEREIN SHALL NOT BE REDUCED ON ACCOUNT OF WORK OR SERVICE RENDERED IN RETURN FOR SUCH RELIEF.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 117, § 14, etc., amended.

Relief not to be reduced in certain cases.

Section fourteen of chapter one hundred and seventeen of the General Laws, as most recently amended by chapter one hundred and thirteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "decease" in the eleventh line the words: — , without reduction on account of work or service rendered by them in return for such relief, — so as to read as follows: — *Section 14.* Boards of public welfare in their respective towns shall provide for the immediate comfort and relief of all persons residing or found therein, having lawful settlements in other towns, in distress and standing in need of immediate relief, until removed to the towns of their lawful settlements. Any such board may require persons receiving such relief to work in return therefor in the infirmary, or in such other manner as the town directs, or otherwise at the discretion of the board. The expense of such relief and of their removal, or burial in case of their decease, without reduction on account of work or service rendered by them in return for such relief, may be recovered in contract against the town liable therefor, if commenced within two years after the cause of action arises; but nothing shall be recovered for relief furnished more than three months prior to notice thereof given to the defendant.

Approved May 5, 1938.

Chap. 276 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO PURCHASE AND INSTALL ELECTRICAL GENERATORS FOR THE MIDDLESEX COUNTY HOUSE OF CORRECTION AT BILLERICA.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex county are hereby authorized to raise and expend a sum not exceeding thirty thousand dollars for the purchase and installation of electrical generators in the Middlesex county

house of correction at Billerica. For the purposes aforesaid, the county treasurer of said county, with the approval of the county commissioners, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Middlesex County, Billerica House of Correction Loan, Act of 1938. Each authorized issue shall constitute a separate loan. Such bonds or notes shall be payable in not more than three years from their dates of issue, and shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as said county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. This act shall take full effect upon its acceptance, during the current year, by the county commissioners of said county, but not otherwise.

Approved May 5, 1938.

AN ACT RELATIVE TO THE RETIREMENT ALLOWANCES OF FIREMEN AND POLICE OFFICERS IN CERTAIN CITIES. *Chap. 277*

Be it enacted, etc., as follows:

SECTION 1. Section eighty-one of chapter thirty-two of the General Laws, as amended by chapter one hundred and three of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fourth and fifth lines, the words "annual salary or other compensation received" and inserting in place thereof the words: — highest salary or other compensation received by him while he was holding the grade held, — so as to read as follows: — *Section 81.* Any permanent member of a fire department retired under the preceding section shall receive an annual pension, payable weekly or monthly, equal to one half of the highest salary or other compensation received by him while he was holding the grade held by him at his retirement. The pension of any call or substitute call fireman retired under said section shall be the same as that of a permanent member of the first grade of the same department in which he served, or, if there be no grades, his compensation shall be that of a permanent member of the department performing duties like those which he performed.

G. L. (Ter. Ed.), 32, § 81, etc., amended.

Pensions.
amount of.

SECTION 2. Section eighty-three of said chapter thirty-two, as amended by section two of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the twenty-seventh and twenty-eighth lines, the words "compensation received" and inserting in place thereof the words: — the

G. L. (Ter. Ed.), 32, § 83, etc., amended.

Pensions for
police in cities.

highest compensation received by him while he was holding the grade held, — so as to read as follows: — *Section 83.* In every city, except Boston, which, by vote of its city council, accepts this section or has accepted corresponding provisions of earlier laws, the mayor and aldermen, or the board of police where such a board is established, shall, at his own request or at the request of the chief or superintendent of police if, in the judgment of said board or officer, he is disabled for useful service in said department, retire from active service and place upon a pension roll any member of the police department of such city whom the city physician of such city certifies in writing to be permanently disabled, mentally or physically, by injuries sustained through no fault of his own in the actual performance of duty, from further performing duty as such member, or any member of said department who has performed faithful service therein for not less than twenty years continuously if, in the judgment of said board or officer, such member is disabled for useful service in the department; provided, that any permanent member of said department who has performed faithful service therein for twenty-five years as aforesaid shall, at any time after attaining the age of sixty and before attaining the age of seventy, be retired at his request and shall, on attaining the age of seventy, be retired without any request on his part, and no other permanent member of said department shall remain in service after he has attained or shall attain the age of seventy. Every member so retired shall annually receive as a pension one half the amount of the highest compensation received by him while he was holding the grade held by him at his retirement, such amount to be paid by the city, which shall appropriate money therefor.

The board of police, or the mayor in cities having no such board, may in an emergency call upon any person so pensioned for such temporary service in the department as he may be fitted to perform, and during such service he shall be entitled to full pay.

Application
of act.

SECTION 3. This act shall apply to the retirement allowances of firemen and police officers retired since January first, nineteen hundred and thirty-one, and prior to the effective date of this act as well as to those retired after said effective date, subject, however, to the provisions of section eighty-five C of chapter thirty-two of the General Laws.

Approved May 5, 1938.

Chap. 278 AN ACT TO PERMIT RECOVERY IN CERTAIN DEATH CASES NOTWITHSTANDING THAT THE DEATH OF THE TORTFEASOR OCCURRED BEFORE THAT OF THE PERSON WHOSE DEATH HE CAUSED.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 229,
new section
5A, added.

SECTION 1. Chapter two hundred and twenty-nine of the General Laws is hereby amended by inserting after sec-

tion five, as amended, the following new section: — *Section 5A.* The causing of a death under such circumstances as would create liability under section one, two, four or five on the part of a person, if alive at the time of such death, shall create a like liability on his part if such death occurs after his own death, and such liability may be enforced against the executor or administrator of his estate, subject to all provisions of law otherwise applicable.

Action against estates of deceased persons in certain cases.

SECTION 2. This act shall become effective on January first, nineteen hundred and thirty-nine, and shall apply only in the case of deaths occurring on or after said date.

Effective date.

Approved May 5, 1938.

AN ACT RELATIVE TO THE EQUAL SHARING OF MILK SALES BY PRODUCER DEALERS, SO CALLED. *Chap. 279*

Be it enacted, etc., as follows:

Section fifteen of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four is hereby amended by adding at the end of paragraph (B) the following sentence: — Each such order may provide rules and regulations for the sharing of the sales of milk sold for consumption as fluid milk and the sales of milk sold, or milk used, for other purposes than fluid consumption, on an equal basis between milk dealers who are also producers, and the producers from whom milk is purchased by such dealers; provided, that such dealer buys more than ten per cent of his milk for fluid milk sales from producers during any pay period.

Approved May 5, 1938.

AN ACT PROVIDING FOR THE APPOINTMENT OF ASSISTANT REGISTRARS OF VOTERS IN TOWNS. *Chap. 280*

Be it enacted, etc., as follows:

Section twenty-two of chapter fifty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "cities" in the first line the words: — and towns, — so as to read as follows: — *Section 22.* The registrars in cities and towns may appoint assistant registrars for the term of one year, beginning with April first, unless sooner removed by the registrars, and they shall, as nearly as may be, equally represent the different political parties. Assistant registrars shall be subject to the same obligations and penalties as registrars. Registrars may remove an assistant registrar, and may fill a vacancy for the remainder of the term. Except in the city of Boston, persons appointed to serve temporarily as assistant registrars shall not be subject to chapter thirty-one.

G. L. (Ter. Ed.), 51, § 22, amended.

Appointment of assistant registrars of voters.

Approved May 5, 1938.

Chap. 281 AN ACT RELATIVE TO VOTING BY CHALLENGED VOTERS AT POLLING PLACES WHERE VOTING MACHINES ARE USED, AND TO THE COUNTING AND RECOUNTING OF VOTES WHERE SUCH MACHINES ARE USED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 54, § 26, amended.

Sessions of registrars.

SECTION 1. Section twenty-six of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first and second lines, the words "Except where voting machines are used as provided in section thirty-four, the" and inserting in place thereof the word:— The, — so as to read as follows:— *Section 26.* The state secretary shall, at the expense of the commonwealth, provide every city and town for use at every polling place therein with a state ballot box and counting apparatus approved by the board of voting machine examiners as provided in section thirty-two. Ballot boxes shall be purchased by the secretary at a price not exceeding seventy dollars each.

G. L. (Ter. Ed.), 54, § 34, etc., amended.

SECTION 2. Section thirty-four of said chapter fifty-four, as amended by section one of chapter two hundred and five of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out the second paragraph.

G. L. (Ter. Ed.), 54, new sections 35A, 35B, added.

Challenged and absent voting ballots to be deposited in ballot boxes.

SECTION 3. Said chapter fifty-four is hereby further amended by inserting after section thirty-five, as appearing in the Tercentenary Edition, the two following new sections:— *Section 35A.* At polling places at which voting machines are used, ballots cast by challenged voters, and absent voting ballots cast at elections where such voting is permitted by law, shall be deposited in the ballot boxes provided in accordance with law. For such polling places, the state secretary or the city or town clerk, as the case may be, shall prepare, for the use of voters voting in person whose right to vote is challenged, official ballots marked "Challenged Ballots" in large type on the back thereof when folded, and may use for such purpose official absent voting ballots marked as aforesaid. Any such official absent voting ballot so used shall be an official ballot, as such term is used in section thirty-five B. For each such polling place, the officer aforesaid shall provide ballots so marked to a number not less than five for each hundred registered voters entitled to vote thereat.

Challenged voter to be furnished an official ballot.

Section 35B. If the right of a person offering to vote by the use of such a machine is challenged, said person shall not be permitted to cast his vote by the use thereof, but shall be supplied by the presiding officer at the polling place with an official ballot prepared under section thirty-five A, which shall be received, subject to section eighty-five. Upon the deposit of such ballot in the ballot box, the election officers having charge of the voting lists shall cause to be placed thereon, opposite the name of the person casting such ballot, the letters in capitals "C. V."

In counting the votes at polling places where voting machines are used, total sheets shall be used upon which shall be set down the total vote for each candidate and each question as recorded by the voting machines. The totals of ballots cast by challenged voters and of absent voting ballots cast shall be recorded separately on said sheets or on separate total sheets and added to the total vote cast by the use of voting machines for each candidate and for each question. All such total sheets shall be sealed up in envelopes and transmitted to the city or town clerk with the ballots, voting lists and records of the election officers.

All provisions of law relative to primaries and elections, so far as applicable to the use of voting machines and not inconsistent with this section or section thirty-five A or thirty-five B, shall apply to all primaries and elections held at polling places where voting machines are used.

SECTION 4. Section one hundred and thirty-five of chapter fifty-four of the General Laws, as most recently amended by sections one and two of chapter two hundred and fifty of the acts of the current year, is hereby further amended by inserting after the first paragraph the following new paragraph: —

G. L. (Ter. Ed.), 54, § 135, etc., amended.

In cases of recounts at elections where voting machines have been used the city or town clerk shall transmit to the registrars the records of the election officers, the envelopes containing the total sheets showing the votes recorded by the voting machines, cast by challenged voters and cast by absent voting ballots, respectively, and containing the ballots cast by challenged voters and the absent voting ballots cast.

Recounts where voting machines are used.

SECTION 5. Said chapter fifty-four is hereby amended by inserting after section one hundred and thirty-five, as amended, the following new section: — *Section 135A.* The recount of any election in an election district where voting machines are used shall consist of the checking with the records and voting lists of the total sheets containing the results of the votes counted, including those cast by voting machines, by ballots of challenged voters and by absent voting ballots; also the rejection or counting of ballots cast by challenged voters and the counting of absent voting ballots cast, the determination of the questions raised by the petition for recount, the retabulation of the results, and the certification of the corrected results to the city or town clerk. Upon completion of such recount such records, total sheets, voting lists and ballots shall be returned to the city or town clerk, after being sealed up in their proper envelopes, in the manner and with the certificate required by section one hundred and thirty-five.

G. L. (Ter. Ed.), 54, new section 135A, added.
Manner of conducting recount.

SECTION 6. Section sixty of said chapter fifty-four, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the words: — and in section thirty-five A, — so that the last sentence will read as follows: —

G. L. (Ter. Ed.), 54, § 60, amended.

Specimen
ballots, etc.

No ballots or specimen ballots shall be delivered by city or town clerks except as provided herein and in section thirty-five A.

Approved May 5, 1938.

Chap. 282 AN ACT FURTHER REGULATING THE SUBMISSION TO THE VOTERS OF THE SEVERAL COUNTIES OF THE QUESTION OF THE LICENSING OF HORSE AND DOG RACES AT WHICH THE PARI-MUTUEL SYSTEM OF BETTING SHALL BE PERMITTED.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 128A,
§ 14, etc.,
amended.

Section fourteen of chapter one hundred and twenty-eight A of the General Laws, as most recently amended by section two of chapter two hundred and fifty-three of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the tenth line, the words "year nineteen hundred and thirty-four" and inserting in place thereof the words:—years nineteen hundred and thirty-four and nineteen hundred and thirty-eight, and in every fourth year thereafter, — and by striking out the paragraph contained in the sixteenth to the twenty-fourth lines, inclusive, as so amended, — so as to read as follows:—*Section 14.* Licenses shall not be granted under this chapter for the holding or conducting of any horse racing meeting or any dog racing meeting within any county unless a majority of the registered voters of such county voting on the questions of granting such licenses when said questions were last submitted to them, as hereinafter provided, have voted in the affirmative.

Referendum
to counties
on horse and
dog racing.

The state secretary shall cause to be placed on the official ballot to be used in the cities and towns at the biennial state election in the years nineteen hundred and thirty-four and nineteen hundred and thirty-eight, and in every fourth year thereafter, the following questions:—

1. Shall the pari-mutuel system of betting on licensed horse races be permitted in this

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

2. Shall the pari-mutuel system of betting on licensed dog races be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in a county in answer to question 1 are in the affirmative, such county shall be taken to have authorized the licensing of horse races therein at which the pari-mutuel system of betting shall be permitted.

If a majority of the votes cast in a county in answer to question 2 are in the affirmative, such county shall be taken to have authorized the licensing of dog races therein at which the pari-mutuel system of betting shall be permitted.

Approved May 6, 1938.

AN ACT RELATIVE TO SEWER ASSESSMENTS IN THE TOWN OF *Chap. 283*
STOUGHTON.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter eighty-six of the acts of nineteen hundred and eleven is hereby amended by striking out the proviso contained in the thirty-fourth to the forty-fourth lines, inclusive, and inserting in place thereof the following: — provided, that said board may, and on the written request of any such owner made within the said three months shall, apportion such assessment into ten equal parts or assessments; and said board shall certify such apportionment to the assessors of the town, and one of said parts or installments, with interest, from the date of commitment to the collector to the date when interest on taxes becomes due and payable, at six per cent per annum, on the unpaid balance, shall be added by the assessors to the annual tax on such estate for each year next ensuing, until all of said parts have so been added, unless sooner paid as hereinafter provided,

SECTION 2. Said chapter eighty-six is hereby further amended by striking out section eight and inserting in place thereof the following: — *Section 8.* Any person aggrieved by such assessment may, within six months after notice of such assessment has been sent out by the collector, file with said board of sewer commissioners a petition for an abatement thereof, and said board shall, before such assessment is added to the tax bill, grant such abatement as may be necessary to make such assessment conform to section six. Such petition may be filed with the clerk or secretary of said board, or delivered by mail or otherwise at its office. Said board shall within ten days after their decision upon the petition give written notice thereof to the petitioner. The petitioner shall have a right of appeal in accordance with the provisions of sections seven, eight, nine and ten of chapter eighty of the General Laws. If an assessment is abated by the board or by the appellate tribunal the assessment so determined shall stand as the assessment upon the land, and if it has not been paid shall be collected in the same manner as the original assessment. If the assessment has been paid, the person by whom it was paid shall be reimbursed by the town to the amount of the abatement allowed, with interest at the rate of six per cent per annum from the time of payment.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1938.

Chap.284 AN ACT PROVIDING FOR THE ELECTION BY AND FROM THE MEMBERS OF THE CONTRIBUTORY RETIREMENT SYSTEM IN A CITY OR TOWN OF ONE MEMBER OF THE RETIREMENT BOARD OF SAID SYSTEM.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32, § 31F,
amended.

SECTION 1. Paragraph (1) of section thirty-one F of chapter thirty-two of the General Laws is hereby amended by striking out clause (c), as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:—

Member of
local retire-
ment board.
Election.

(c) One person who shall be a member of the system, to be elected by the members thereof, in a manner to be determined, in a city, by the mayor or, in a town, by the selectmen, to serve for a term of one year from the date of his election and until the qualification of his successor.

Application
of act.

SECTION 2. Nothing in this act shall affect the term of office of any member of a retirement board in a city or town appointed thereto prior to the effective date of this act.

Approved May 6, 1938.

Chap.285 AN ACT EXPEDITING DECISIONS OF APPEAL BOARDS UNDER THE OLD AGE ASSISTANCE LAW, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 118A,
§ 3, etc.,
amended.

Section three of chapter one hundred and eighteen A of the General Laws, as most recently amended by section three of chapter four hundred and forty of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out the last sentence and inserting in place thereof the following:— Every decision of the appeal board upon such an appeal shall be rendered not later than sixty days after the claim of appeal was filed, and shall be binding upon the local board of public welfare or bureau of old age assistance involved and shall be complied with by such local board or bureau.

Approved May 6, 1938.

Chap.286 AN ACT RELATIVE TO THE POWERS OF THE R. S. ROBIE EMPLOYEES' BENEFIT ASSOCIATION.

Be it enacted, etc., as follows:

R. S. Robie Employees' Benefit Association, a fraternal benefit society incorporated under chapter one hundred and seventy-six of the General Laws, is hereby authorized to include in its membership the employees and ex-employees of Nutter's System Incorporated and of R. S. Robie, Inc.,

both of which are Massachusetts corporations, said association to be governed by a direct vote of its members without the lodge system; but said association, as now or hereafter constituted, and its officers and members shall otherwise be subject to all pertinent provisions of said chapter one hundred and seventy-six. *Approved May 6, 1938.*

AN ACT RELATIVE TO THE PERSONNEL OF THE LISTING BOARD
IN THE CITY OF BOSTON, AND REPEALING THE PROVISIONS
OF LAW REQUIRING SAID BOARD TO TRANSMIT COPIES OF
CERTAIN LISTS, AND TO FURNISH CERTAIN INFORMATION,
TO THE ELECTION COMMISSIONERS OF SAID CITY. *Chap. 287*

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-nine of the General Acts of nineteen hundred and seventeen is hereby amended by striking out section seven and inserting in place thereof the following:— *Section 7.* In Boston there shall be a listing board composed of the police commissioner of the city and the board of election commissioners. In case of disagreement between the members of the listing board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall, for the purpose of settling such disagreement, be a member of said listing board and shall preside and cast the deciding vote in case of a tie.

SECTION 2. Section nine of said chapter twenty-nine, as amended by section two of chapter one hundred and fourteen of the acts of nineteen hundred and twenty-one, is hereby repealed. *Approved May 6, 1938.*

AN ACT RELATIVE TO THE PERSONNEL OF THE LISTING BOARD
IN THE CITY OF CAMBRIDGE. *Chap. 288*

Be it enacted, etc., as follows:

Section eight of chapter two hundred and eighty-two of the General Acts of nineteen hundred and eighteen, as amended by section eight of chapter two hundred and thirty-nine of the acts of nineteen hundred and twenty-one, is hereby further amended by striking out, in the last line, the words "ex officiis", — so as to read as follows:— *Section 8.* There is hereby established in the city of Cambridge a listing board composed of the chief of police of the city and the board of election commissioners.

Approved May 6, 1938.

AN ACT RELATIVE TO THE PERSONNEL OF THE LISTING
BOARD IN THE CITY OF LOWELL. *Chap. 289*

Be it enacted, etc., as follows:

Section five of chapter one hundred and fifty-four of the acts of nineteen hundred and twenty, inserted by section

two of chapter one hundred and thirty-one of the acts of nineteen hundred and twenty-three, is hereby amended by striking out, in the last line, the words "ex officiis", — so as to read as follows: — *Section 5.* There is hereby established in the city of Lowell a listing board composed of the chief of police of the city and the members of the election commission.

Approved May 6, 1938.

Chap.290 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF SUPERINTENDENT OF BUILDINGS OF THE TOWN OF SAUGUS UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of superintendent of buildings of the town of Saugus shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent of said office shall be unlimited, subject, however, to said laws, but the incumbent of said office on said effective date shall continue to serve therein under his then current appointment only until the qualification of the person appointed thereto after a competitive civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of said town at the annual town meeting in the year nineteen hundred and thirty-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and thirty-eight, entitled 'An Act to authorize the placing of the Office of Superintendent of Buildings of the Town of Saugus under the Civil Service Laws' be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

(The foregoing was laid before the governor on the third day of May, 1938, and after five days it had "the force of a law", as prescribed by the constitution, as it was not returned by him with his objections thereto within that time.)

Chap.291 AN ACT REVIVING AND EXTENDING THE EXISTENCE OF THE MASHPEE ADVISORY COMMISSION.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and twenty-three of the acts of nineteen hundred and thirty-two, as amended by section one of chapter two hundred and sixty-six of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the ninth

line, the word "thirty-eight" and inserting in place thereof the word:—forty-one,—and by striking out, in the seventeenth line, the words "said town" and inserting in place thereof the words:—the town of Mashpee,—so as to read as follows:—*Section 1.* There is hereby established an unpaid commission, under the title of the Mashpee Advisory Commission, hereinafter called the commission, to consist of three members, each of whom shall be the head of a state department or the head of a division thereof, designated by the governor, with the advice and consent of the council, and shall serve for a period terminating April fifteenth, nineteen hundred and forty-one. The governor, with like advice and consent, shall, from time to time, designate one of the members as chairman, may remove any member and shall fill any vacancy in the commission for the unexpired term. The action of any two of the members shall constitute the action of the commission; and whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by any two of the members. The commission may employ, at the expense of the town of Mashpee, such assistants as it may deem necessary. The commission may assign for specific or general employment one or more persons within a state department or division in charge of any member of the commission, and any expense incurred by reason of such assignment shall be certified by the commission to the state treasurer, and shall be collected by him as an additional state tax upon said town.

SECTION 2. Said Mashpee Advisory Commission is hereby revived and its acts and proceedings after April fifteenth in the current year and prior to the effective date of this act are hereby validated and confirmed to the same extent as if the existence of said commission had not terminated on said April fifteenth.

Approved May 10, 1938.

AN ACT AUTHORIZING THE TOWN OF BLACKSTONE TO BORROW MONEY FOR HIGH SCHOOL, TOWN HALL AND FIRE ENGINE HOUSE PURPOSES. *Chap. 292*

Be it enacted, etc., as follows:

SECTION 1. For the purposes of constructing an addition to its high school and to its town hall and originally furnishing and equipping said additions, of making the necessary alterations to the existing high school and town hall, and of making certain necessary alterations to its fire engine house, so called, the town of Blackstone may borrow from time to time, within a period of five years from the passage of this act, such sums of money as may be necessary, not exceeding, in the aggregate, sixty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Blackstone High School, Town Hall and

Engine House Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1938.

Chap. 293 AN ACT TO EXTEND THE TERRITORIAL JURISDICTION OF CERTAIN POLICE OFFICERS EMPLOYED TO PROTECT PUBLIC SOURCES OF WATER SUPPLY FROM POLLUTION.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 111,
new section
173A, added.

Power of
police officers
in water
supply areas.

Chapter one hundred and eleven of the General Laws is hereby amended by inserting after section one hundred and seventy-three, as appearing in the Tercentenary Edition, the following new section:— *Section 173A*. Police employed by the water board or board of water commissioners of a city, town or water district, a public institution or water company, and duly appointed in one of the cities or towns within an area from which water is being supplied under the direction of such board, institution or company, or over which such board, institution or company has control, or where such water is furnished by such city, town, district, institution or company shall within and throughout any or all of such areas have all the powers and duties of police officers of cities and towns.

Approved May 10, 1938.

Chap. 294 AN ACT RELATIVE TO THE CONNECTION BY THE TOWN OF BELMONT OF ITS STORM WATER DRAINS WITH LIKE DRAINS IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge and the town of Belmont may enter into agreements providing for the connection of storm water drains constructed or to be constructed by said town with like drains constructed or to be constructed by said city, at definite points in said city to be determined by such agreements, and granting to said town the right to drain its storm waters through certain storm water drains of said city and to lay, construct and maintain pipes and manholes and do all work necessary or incidental to making and keeping in repair such connections within said city. Such agreements shall state the terms

and conditions upon which the connections therein provided for shall be made, which may include payments by either party to the other, and shall be recorded by the respective clerks of said city and town. Said town is hereby authorized to do any work in ways in said city or on land owned by said city provided for by any such agreement and to drain its storm waters in accordance therewith. Said city and said town may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such lands, rights of way and easements as may be necessary for carrying out any such agreement.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1938.

AN ACT CLARIFYING THE ONE DAY'S REST IN SEVEN LAW Chap. 295
WITH RESPECT TO RESTAURANTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section forty-nine, as amended by chapter two hundred and twenty-one of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 49.* The two preceding sections shall not apply to establishments used for the manufacture or distribution of gas, electricity, milk or water, hotels, drug stores, livery stables or garages, nor to the transportation of food, nor to the sale or delivery of food by or in establishments other than restaurants. G. L. (Ter. Ed.), 149, § 49, etc., amended.

Limitation of certain sections.

Approved May 10, 1938.

AN ACT AUTHORIZING THE CARRYING OF CERTAIN WEAPONS Chap. 296
BY SHERIFFS, DEPUTY SHERIFFS AND SPECIAL SHERIFFS,
AND CERTAIN OFFICERS IN THE DEPARTMENT OF CORRECTION.

Be it enacted, etc., as follows:

Chapter one hundred and forty-seven of the General Laws is hereby amended by inserting after section eight, as appearing in the Tercentenary Edition, the following new section: — *Section 8A.* A sheriff, and any of his deputies if so authorized by him, and the commissioner of correction, and the deputy commissioners and any other officer of the department of correction or of the institutions under its supervision if so authorized by said commissioner, may carry revolvers, clubs, handcuffs and twisters and such other weapons as are necessary in the performance of their duties. G. L. (Ter. Ed.), 147, new section 8A, added.

Sheriff, etc., may carry certain weapons.

Approved May 10, 1938.

Chap. 297 AN ACT RELATIVE TO SEPARATIONS FROM AND REINSTATEMENTS IN THE CLASSIFIED CIVIL SERVICE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, § 46C, etc., amended.

Reinstatement of employees separated from civil service due to fault or delinquency.

SECTION 1. Chapter thirty-one of the General Laws is hereby amended by striking out section forty-six C, as most recently amended by chapter sixty-six of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:— *Section 46C.* An officer or employee of the commonwealth or of a city or town who has become separated from the classified civil service through fault or delinquency of his own shall, within thirty days after the filing of a written request by the appointing officer, be entitled to a hearing before the commissioner. Upon good cause shown the commissioner may, subject to section forty-six G, authorize his reinstatement in the same position or in a position in the same class and grade as that formerly held by him.

G. L. (Ter. Ed.), 31, § 46G, etc., amended.

Reinstatement of other employees.

SECTION 2. Said chapter thirty-one is hereby further amended by striking out section forty-six G, inserted by chapter four hundred and eight of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:— *Section 46G.* If the separation from service of persons in the classified service becomes necessary through no fault or delinquency of their own, they shall be separated from the service, and reinstated therein in the same position or in a position in the same class and grade as that formerly held by them, according to their seniority in the service so that the oldest employees in point of service shall be retained the longest, and reinstated first and before any reinstatement under section forty-six C or the certification of new names. Nothing in this section shall prevent reinstatements under section forty-six D or impair the preference provided for disabled veterans by section twenty-three.

Approved May 10, 1938.

Chap. 298 AN ACT PROVIDING FOR INDEMNIFICATION OF CALL FIREMEN BY CITIES AND TOWNS IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 41, § 100, etc., amended.

Indemnification of officers, etc., for damages sustained.

Section one hundred of chapter forty-one of the General Laws, as amended by section three of chapter three hundred and twenty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "support" in the sixteenth line, as appearing in the Tercentenary Edition, the following new sentence:— For the purposes of this section, call firemen shall be considered members of a fire department, — so as to read as follows:— *Section 100.* A city, town, fire or water district may indemnify a police officer, fireman or a member of the fire department or a person required to assist a police officer in the

discharge of his duties, to an amount not more than the amount recommended by the board or officer authorized to appoint police officers, firemen or members of the fire department of such city, town or district, for expenses or damages sustained by him while acting as a police officer, fireman or member of the fire department or as such assistant, or incurred by him in the defence or settlement of an action brought against him for acts done by him while so acting, and such damages may include loss of pay by reason of absence from duty on the part of such officer, fireman or member because of temporary incapacity caused by injury suffered through no fault of his own while in the actual performance of duty; and, if such officer, fireman, member or person be dead, such expenses or damages shall be payable to his widow, or, if he leaves no widow, then to his next of kin who, at the time of his death, were dependent upon his wages for support. For the purposes of this section, call firemen shall be considered members of a fire department. This section shall be construed to authorize a city or town to pay compensation, in the manner herein provided, for damages for personal injuries, whether or not death results, and for property damage sustained by a person while assisting a police officer thereof in the discharge of his duty upon his requirement. This section shall not apply to the city of Boston.

Approved May 10, 1938.

AN ACT RELATIVE TO THE TIME OF ESTABLISHING, CHANG- *Chap. 299*
ING AND CANCELLING PARTY ENROLMENT OF VOTERS.

Be it enacted, etc., as follows:

Section thirty-eight of chapter fifty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "may" in the third line the words: — , except within a period of thirty-one days prior to a primary, — so as to read as follows: — *Section 38.* No voter enrolled under this or the preceding section shall be allowed to receive the ballot of any political party except that with which he is so enrolled; but a voter may, except within a period of thirty-one days prior to a primary, establish, change or cancel his enrolment by appearing in person before a member of the board of registrars of voters and requesting in writing to have his enrolment established with a party, changed to another party, or cancelled, and such enrolment, change or cancellation shall take effect at the expiration of thirty days thereafter. No voter enrolled as a member of one political party shall be allowed to receive the ballot of any other political party, upon a claim by him of erroneous enrolment, except upon a certificate of such error from the registrars, which shall be presented to the presiding officer of the primary and preserved as part of the records of such primary; but the political party enrolment of a voter shall not preclude him from re-

G. L. (Ter.
Ed.), 53, § 38,
amended.

Establishing
of enrolment.
etc.

ceiving at a city or town primary the ballot of any municipal party, though in no one primary shall he receive more than one party ballot. *Approved May 10, 1938.*

Chap.300 AN ACT PROVIDING THAT THE MAYOR OF BOSTON SHALL BE ELIGIBLE FOR ELECTION FOR THE SUCCEEDING TERM.

Be it enacted, etc., as follows:

SECTION 1. Section forty-five of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as most recently amended by section six of chapter four hundred and seventy-nine of the acts of nineteen hundred and twenty-four, is hereby further amended by striking out, in the sixth and seventh lines, the words "and shall not be eligible for election for the succeeding term", — so as to read as follows: — *Section 45.* Beginning with the biennial municipal election in the year nineteen hundred and twenty-five, the mayor of the city of Boston shall be elected at large to hold office for the term of four years from the first Monday in January following his election and until his successor is chosen and qualified.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Boston at its regular city election in the year nineteen hundred and thirty-nine in the form of the following question which shall be placed upon the official ballot to be used at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-eight entitled 'An Act providing that the Mayor of Boston shall be eligible for Election for the Succeeding Term', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take effect, but not otherwise. *Approved May 10, 1938.*

Chap.301 AN ACT RELATIVE TO THE USE OF POISON TO PROTECT FOREST PLANTATIONS OR IN CONNECTION WITH WOOD TICK SUPPRESSION AND CONTROL.

Emergency
preamble.

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 131,
§ 103, amended.

Use of poison
in killing
mammals
penalized.

Chapter one hundred and thirty-one of the General Laws is hereby amended by striking out section one hundred and three, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 103.* Whoever places poison in any form whatsoever for the purpose of killing any mammal or bird shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or both; provided, that this section

shall not prohibit any person from placing in his orchard or in or near his house, barn or other buildings poison for the purpose of destroying rats, woodchucks or other pests of like nature, or from placing with like intent under the surface of his lands carbon disulphide in any of its forms or any other poison applied in a manner similar to that in which carbon disulphide is applied, nor shall this section prohibit the placing of poison in forest plantations for the extermination of rats, mice and other pests of like nature or the placing elsewhere of poison for the extermination of such pests in connection with wood tick suppression and control, in accordance with rules and regulations which the director is hereby authorized to make, and pursuant to the terms of a permit issued by the director under such rules and regulations. Possession of the raw fur of any mammal or the dead body of any bird killed by poison, except rats, woodchucks or other pests of like nature, shall be prima facie evidence that the person having such possession has violated this section.

Approved May 12, 1938.

AN ACT PROVIDING FOR REGULATION OF PLUMBING IN BUILDINGS OWNED AND USED BY THE COMMONWEALTH. *Chap.302*

Be it enacted, etc., as follows:

Chapter one hundred and forty-two of the General Laws is hereby amended by inserting after section twenty, as appearing in the Tercentenary Edition, the following new section: — *Section 21.* The examiners shall formulate rules relative to the construction, alteration, repair and inspection of all plumbing work in buildings owned and used by the commonwealth, subject to the approval of the department of public health, and all plans for plumbing in such buildings shall be subject to the approval of the examiners.

G. L. (Ter. Ed.), 142, new section 21, added.

Rules regulating plumbing in state buildings.

Approved May 12, 1938.

AN ACT RELATIVE TO ATTACHMENT BY TRUSTEE PROCESS. *Chap.303*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and forty-six of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 1.* All personal actions, except tort for malicious prosecution, for slander or libel, or for assault and battery, and except replevin, may be commenced by trustee process, and any person may be summoned as trustee of the defendant therein; but, except in the case of a writ which contains a statement that the action is upon a judgment or in contract for personal services or for goods sold and delivered or for money due under a contract in writing or in tort to recover damages on account of the operation of a motor vehicle not registered in the commonwealth, no writ the ad damnum of which is

G. L. (Ter. Ed.), 246, § 1, amended.

Actions which may be commenced by trustee process.

in excess of one thousand dollars shall be served upon any alleged trustee unless there shall have been filed by the plaintiff in such action in the court wherein such action is commenced a bond with a surety company authorized to do business in the commonwealth as surety, or with sureties approved by a justice, associate justice or special justice of such court, said bond to be in a penal sum not less than ten per cent of the ad damnum of the writ and not less than two hundred and fifty dollars and to be conditioned upon payment to the defendant, if the plaintiff fails to recover or if such action is discontinued, of all costs which may be awarded to the defendant and all damages which he may sustain by reason of such attachment, but not exceeding the penal sum of the bond, nor unless there shall have been endorsed on the writ by the justice, associate justice or special justice who approved said bond, or by the clerk of such court, the fact that the bond required by this section has been filed in such court. An individual who is not an inhabitant of the commonwealth, or a foreign corporation or association, shall not be so summoned unless he or it has a usual place of business in the commonwealth. The amount paid by the plaintiff to a surety company for becoming surety on such a bond shall be taxed in his costs if he prevails in the action.

SECTION 2. This act shall take effect on September first, nineteen hundred and thirty-eight, and shall apply only to actions commenced on or after said date.

Approved May 12, 1938.

Effective
date.

Chap. 304 AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO CONTRIBUTE TOWARD THE RECONSTRUCTION OF CERTAIN PORTIONS OF FERRY STREET, MAIN STREET AND BROADWAY IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing toward the cost of reconstructing Ferry street, lying between Chelsea street and Belmont street; Main street, lying between Broadway and Belmont street; and Broadway, lying between the Boston line and Everett square and between Glendale square and the Malden line, all in the city of Everett, the county of Middlesex is hereby authorized to pay out of the then current appropriation for highways for said county a sum equal to one sixth of the cost of said construction, but not exceeding thirty-five thousand dollars.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise.

Approved May 12, 1938.

AN ACT RELATIVE TO THE INCLUSION OF TWO OR MORE PARCELS OF LAND IN PETITIONS BROUGHT BY CITIES AND TOWNS FOR FORECLOSURE OF RIGHTS OF REDEMPTION UNDER TAX TITLES. *Chap. 305*

Be it enacted, etc., as follows:

Section sixty-five of chapter sixty of the General Laws, as amended by section twelve of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end the following: —, if such parcels are in the same record ownership at the time of bringing such petition, — so as to read as follows: — *Section 65.* After two years from a sale or taking of land for taxes, except as provided in section sixty-two, whoever then holds the title thereby acquired may bring a petition in the land court for the foreclosure of all rights of redemption thereunder. Such petition shall be made in the form to be prescribed by said court and shall set forth a description of the land to which it applies, with its assessed valuation, the petitioner's source of title, giving a reference to the place, book and page of record, and such other facts as may be necessary for the information of the court. Two or more parcels of land may be included in any petition brought by a town, whether under a taking or as purchaser of such title or titles, if such parcels are in the same record ownership at the time of bringing such petition.

G. L. (Ter. Ed.), 60, § 65, etc., amended.

Examination of title, notice, etc.

Approved May 12, 1938.

AN ACT DEFINING THE WORD "RESIDENT" WITH RESPECT TO THE INCORPORATORS, OFFICERS AND DIRECTORS OF INSURANCE COMPANIES. *Chap. 306*

Be it enacted, etc., as follows:

Section one of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "law" in the fifty-second line the following new paragraph: —

G. L. (Ter. Ed.), 175, § 1, amended.

"Resident", with respect to any incorporator, officer or director of a company, a person who shall have resided within the commonwealth at least one year immediately prior to the election, or the exercise of the authority, referred to in the context.

"Resident" defined.

Approved May 12, 1938.

AN ACT RELATIVE TO THE KINDS OF INSURANCE WHICH MAY BE WRITTEN TO INSURE A BANK, BANKER, INVESTMENT BROKER OR BANKING ASSOCIATION OR CORPORATION. *Chap. 307*

Be it enacted, etc., as follows:

Section forty-seven of chapter one hundred and seventy-five of the General Laws is hereby amended by striking out clause Fourth, as appearing in the Tercentenary Edition, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 175, § 47, amended.

Kinds of insurance which may be written to insure a bank, etc.

Fourth, (a) To guarantee the fidelity of persons in positions of trust, private or public, (b) to act as surety on official bonds and for the performance of other obligations, (c) to guarantee or insure to the holders thereof the payment of the principal of, or interest on, bonds, notes or other evidences of indebtedness and to insure against loss or damage arising from any default in the payment of such principal or interest, and (d) to insure a bank, banker, investment broker, banking association or corporation against any loss of bills of exchange, notes, drafts, acceptances of drafts, profits, bonds, securities, evidences of indebtedness, deeds, mortgages, warehouse receipts, bills of lading, documents, currency or money, gold, platinum, silver and other precious metals, refined or unrefined, and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, except against the loss thereof during marine transportation or while being transported by a common carrier, and also to insure a bank, banker, investment broker, banking association or corporation against loss resulting from damage, except by fire, to the insured's premises, furnishings, fixtures, equipment, safes and vaults therein caused by burglary, robbery, hold-up, theft or larceny, or attempt thereat. Nothing in this clause shall be deemed to prohibit insurance against loss of property as herein provided from including insurance against loss thereof while in the custody of a carrier for hire for the purpose of transportation by an armored motor vehicle, accompanied by one or more armed guards.

Approved May 12, 1938.

*Chap.*308 AN ACT PROVIDING THAT THE EXPENSE OF QUARANTINE OF CERTAIN ANIMALS BE PAID BY THE COUNTY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 129.
§ 29, amended.

County to pay expense of quarantine of animals.

Section twenty-nine of chapter one hundred and twenty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following: — , except that, in the case of any animal quarantined for biting or scratching a person, the expense of such quarantine shall be paid by the county in which the injury was inflicted, — so as to read as follows: — *Section 29.* If animals have been quarantined, collected or isolated upon the premises of the owner or of the person in possession of them at the time such quarantine is imposed, the expense thereof shall be paid by such owner or person; but if specific animals have been quarantined or isolated under section eight or twenty-one for more than ten days upon such premises, as suspected of being affected with a contagious disease, and the owner is forbidden to sell any of the product thereof for food, or if animals have been quarantined, collected or isolated on any premises other than those of such owner or person in possession thereof, the expense of

such quarantine shall be paid by the commonwealth, except that, in the case of any animal quarantined for biting or scratching a person, the expense of such quarantine shall be paid by the county in which the injury was inflicted.

Approved May 12, 1938.

AN ACT RELATIVE TO FEES FOR CERTAIN REGISTRATIONS AND
INSPECTIONS OF NURSERY STOCK AND PLANTS. Chap.309

Be it enacted, etc., as follows:

Chapter one hundred and twenty-eight of the General Laws is hereby amended by striking out section twenty-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 27.* The director, with the approval of the commissioner, after a duly advertised public hearing with notice to interested parties, may prohibit, for such periods and under such conditions as he may impose, the delivery within the commonwealth of nursery stock from outside thereof when in his opinion such nursery stock is likely to be infested with insect pests or disease or is likely to act as a carrier thereof. With the approval of the commissioner, he may make and issue such rules and regulations as may be needed to carry out sections sixteen to thirty-one, inclusive, and may in such rules and regulations establish fees for registration or inspection. He may also enter into reciprocal agreements with other states under which nursery stock owned by nurserymen and dealers of such states may be sold or delivered in this commonwealth without the payment of a registration or inspection fee, provided, that like privileges are accorded in such other states to nurserymen and dealers of this commonwealth. He may publish information about such insects and disease as come within his observation.

G. L. (Ter. Ed.), 128, § 27, amended.

Powers of director.

Fee for registrations, etc.

Approved May 12, 1938.

AN ACT RELATIVE TO THE PAYMENT OF RENTAL BY THE
COMMONWEALTH TO THE CITY OF WORCESTER FOR THE
USE OF ITS SEWERAGE SYSTEM FOR THE SEWAGE OF THE
WORCESTER STATE HOSPITAL. Chap.310

Be it enacted, etc., as follows:

Chapter three hundred and sixty-three of the Special Acts of nineteen hundred and sixteen is hereby amended by striking out section two, as most recently amended by chapter one hundred and eighty of the acts of nineteen hundred and twenty-three, and inserting in place thereof the following:— *Section 2.* The commonwealth shall pay to the city of Worcester as rental for the use of its sewerage system for the sewage of the Worcester state hospital the sum of thirty-one hundred dollars annually for a period of five years, beginning with the first day of January, nineteen hundred and thirty-eight.

Approved May 12, 1938.

*Chap.*311 AN ACT RELATIVE TO THE VENUE OF CERTAIN APPEALS TO THE SUPERIOR COURT FROM CERTAIN ORDERS OF THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 113D, etc., amended.

Appeals from orders of board of appeal.

The sixth paragraph of section one hundred and thirteen D of chapter one hundred and seventy-five of the General Laws, as most recently amended by chapter forty-six of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "county" in the twelfth line the words: — in case of an appeal by any complainant, and in the county in which the complainant resides in case of an appeal by the company, — so that the first sentence of said paragraph will read as follows: — Any person or company aggrieved by any finding or order of the board, other than a finding that the complainant is or is not a suitable and proper person to whom to issue such a policy or on behalf of whom to execute such a bond as surety, may, within ten days after the filing of the memorandum thereof in the office of the commissioner, unless the policy or bond has expired or will expire prior to the expiration of said period, and any person or company aggrieved by any finding of the board that a complainant is or is not a suitable and proper person as aforesaid may, in any case, within said period, appeal therefrom to the superior court or any justice thereof, in any county in case of an appeal by any complainant, and in the county in which the complainant resides in case of an appeal by the company.

Approved May 12, 1938.

*Chap.*312 AN ACT RELATIVE TO THE REMOVAL OF THE SUPERINTENDENT OF PUBLIC WORKS IN THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and seventy-three of the acts of nineteen hundred and thirteen is hereby amended by striking out section seven and inserting in place thereof the two following sections: — *Section 7.* A majority of the board of selectmen may remove the superintendent of public works by filing a written statement with the town clerk, setting forth in detail the specific reasons for his removal, a copy of which shall be delivered or mailed to said superintendent; provided, that, if the superintendent so requests, a hearing shall be given him.

Section 7A. Within thirty days after the hearing provided for in section seven, the superintendent so removed may bring a petition in the district court within the judicial district of which he resides, addressed to the justice of the court, praying that the action of the board of selectmen may be reviewed by the court, and, after such notice to said board as the court deems necessary, it shall review such

action, hear the witnesses, and shall affirm the decision of said board unless it shall appear that it was made without proper cause or in bad faith, in which case said decision shall be reversed and the petitioner be reinstated in his office without loss of compensation. The decision of the court shall be final and conclusive upon the parties.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the registered voters of the town of Stoneham, voting thereon by official ballot at an annual town meeting, or voting thereon at a special town meeting called for the purpose.

Approved May 12, 1938.

AN ACT RELATIVE TO INSTRUCTION IN LIP-READING FOR CERTAIN SCHOOL CHILDREN WHOSE HEARING IS DEFECTIVE. Chap. 313

Be it enacted, etc., as follows:

Chapter sixty-nine of the General Laws is hereby amended by inserting after section twenty-eight, as appearing in the Tercentenary Edition, the following new section:— *Section 29.* The school committee of any town, or any superintendency union or district, where there is in attendance in any public or private school any child under the age of eighteen whose hearing is defective may provide instruction in lip-reading for such child in a place under the control of such school committee, union or district. Such instruction shall be in addition to the regular school instruction and shall be for at least one hour per week during the time when such public schools are in session.

G. L. (Ter. Ed.), 69, new § 29, added.
Instruction in lip-reading.

Approved May 12, 1938.

AN ACT PROVIDING FOR THE VACCINATION OF CERTAIN CATTLE TO CURTAIL THE SPREAD OF BANG'S DISEASE, SO CALLED. Chap. 314

Be it enacted, etc., as follows:

Chapter one hundred and twenty-nine of the General Laws is hereby amended by adding after section thirty-six A, inserted by chapter four hundred and twenty-six of the acts of nineteen hundred and thirty-five, the following new section:— *Section 36B.* The director or his agent, with the approval of the owner of the cattle hereinafter referred to, may vaccinate cattle not less than four nor more than eight months of age, which in the judgment of the director or such agent may cause the spread of Bang's disease; provided, that such vaccination is supervised under rules and regulations of the department of agriculture, authority to make the same being hereby granted. For each animal so vaccinated the director shall collect a fee of fifty cents.

G. L. (Ter. Ed.), 129, new section 36B, added.

Vaccination of certain cattle.

Approved May 12, 1938.

Chap.315 AN ACT EXTENDING TO CERTAIN BLIND PERSONS THE ADVANTAGES OF UNIVERSITY EXTENSION COURSES FREE OF CHARGE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 69,
§ 7, etc.,
amended.

University ex-
tension courses
for blind
persons.

Section seven of chapter sixty-nine of the General Laws, as most recently amended by chapter three hundred and twenty-seven of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the eighteenth line, the word "to" and inserting in place thereof the words:— may permit university extension courses to be taken, free of charge, by, — so as to read as follows:— *Section 7.* The department may co-operate with existing institutions of learning in the establishment and conduct of university extension and correspondence courses; may supervise the administration of all such courses supported in whole or in part by the commonwealth; and also, where deemed advisable, may establish and conduct such courses for the benefit of residents of the commonwealth and, provided that the fees charged exceed the cost of service, may enroll in correspondence courses such non-residents as are approved by the department. The department may offer correspondence courses, free of charge, to inmates of county and state hospitals and sanatoria, county and state correctional institutions, the state infirmary, and federal hospitals situated within the commonwealth and to veterans, as such term is defined in section twenty-one of chapter thirty-one, who come within the class referred to as disabled veterans in section twenty-three of said chapter thirty-one and may permit university extension courses to be taken, free of charge, by blind persons who have resided in the commonwealth at least one year immediately prior to the taking of such courses. It may, in accordance with rules and regulations established by it, grant to students satisfactorily completing such courses suitable certificates.

Approved May 12, 1938.

Chap.316 AN ACT RELATIVE TO THE ELIGIBILITY OF WIVES AND WIDOWS OF CERTAIN VETERANS TO CERTAIN BENEFITS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 115,
§ 7, etc.,
amended.

Eligibility of
wives, etc.,
to state aid.

SECTION 1. Chapter one hundred and fifteen of the General Laws is hereby amended by striking out section seven, as amended by section one of chapter two hundred and seventy-three of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 7.* The wife of a discharged soldier or sailor shall not be held to belong to any of the foregoing classes, nor shall she receive state aid unless, if the service of the soldier or sailor was in the war with Spain, the Philippine Insurrection or the China Relief Expedition, she was married to

him before his final discharge from such service, and, if his widow, before September first, nineteen hundred and thirty, and if his service was in the civil war unless she was, if his wife, married to him prior to his final discharge from such service, and, if his widow, prior to June twenty-seventh, nineteen hundred and five, and if the service of the soldier was in any Indian war or campaign unless she was, if his wife, married to him prior to his final discharge from such service, and, if his widow, prior to March fourth, nineteen hundred and seventeen, and if the service of the soldier or sailor was on the Mexican border or in the world war unless she was, if his wife, married to him prior to his final discharge from the service or release from active duty therein, and, if his widow, prior to January first, nineteen hundred and thirty-three.

SECTION 2. Said chapter one hundred and fifteen is hereby further amended by striking out section nineteen, as amended by section two of said chapter two hundred and seventy-three, and inserting in place thereof the following: —

Section 19. The mayor of each city and the selectmen of each town or, in Boston, the soldiers' relief commissioner, shall designate a burial agent, who shall not be one of the board of public welfare or be employed by said board, and who shall, under regulations established by the commissioner, cause properly to be interred the body of any honorably discharged soldier or sailor who served in the army or navy of the United States during the war of the rebellion, or in the Indian campaigns if he died in receipt of a pension from the United States, or during the war between the United States and Spain or the Philippine Insurrection after February fourteenth, eighteen hundred and ninety-eight and prior to July fourth, nineteen hundred and two, or in the Mexican border service of nineteen hundred and sixteen and of nineteen hundred and seventeen, or in the world war; provided, that the soldier or sailor died in such service or after an honorable discharge therefrom or release from active duty therein; and shall also so inter the body of his wife, widow or dependent father or mother, and the bodies of army nurses entitled to state aid under section six, if they die without sufficient means to defray funeral expenses, and the bodies of dependent children eighteen years of age or under, of such soldier or sailor, if such soldier or sailor and his wife, or his widow, be without sufficient means to defray funeral expenses; but no wife or widow of any soldier or sailor of the civil war shall be entitled to the benefits of this section unless she was married to him prior to June twenty-seventh, nineteen hundred and five, and no wife or widow of any soldier of the Indian campaigns unless she was married to him prior to March fourth, nineteen hundred and seventeen, and unless she was, if his widow, in receipt of a pension under the act of congress of March fourth, nineteen hundred and seventeen, and no wife or widow of any soldier or sailor of the Spanish war, or the Philippine Insurrection,

G. L. (Ter. Ed.), 115, § 19, etc., amended.

Burial agents, powers and duties.

unless she was married to him prior to September first, nineteen hundred and thirty; and no wife or widow of any soldier or sailor of the Mexican border service or of the world war unless she was married to him on or before January first, nineteen hundred and thirty-three. If an interment has taken place without the knowledge of the burial agent, application may be made to him within thirty days after the date of death, or after final interment if the soldier or sailor dies in the world war service; and if upon investigation he shall find that the deceased was within the provisions of this section and the rules of the commissioner, he may certify the same as provided in the following section.

Approved May 12, 1938.

Chap. 317 AN ACT RELATIVE TO THE EXEMPTION FROM TAXATION OF PARSONAGES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 59,
§ 5, etc.,
amended.

Section five of chapter fifty-nine of the General Laws, as amended, is hereby further amended by striking out clause Eleventh, as appearing in the Tercentenary Edition, and inserting in place thereof the following: —

Exemption
from taxation
of certain
parsonages.

Eleventh, Houses of religious worship owned by, or held in part for the use of, any religious organization, and the pews and furniture, and, to an amount not exceeding five thousand dollars for each parsonage, parsonages so owned or held; but such exemption shall not, except as herein provided, extend to any portion of any such house of religious worship appropriated for purposes other than religious worship or instruction.

Approved May 16, 1938.

Chap. 318 AN ACT RELATIVE TO THE USE OF LAKE COCHITUATE IN THE TOWNS OF FRAMINGHAM AND WAYLAND FOR BOATING AND FISHING.

Be it enacted, etc., as follows:

SECTION 1. Subject to such reasonable regulations as may be made by the metropolitan district commission, it shall be lawful for any inhabitant of the town of Framingham or Wayland to enter any boat, or go in any boat, or to fish therefrom, in or upon the waters of so much of Lake Cochituate as lies in either of said towns, until such time as said waters are used for water supply purposes of the metropolitan water district as authorized by law.

SECTION 2. Subject to such reasonable regulations as may be made by said commission, it shall also be lawful for any inhabitant of the town of Framingham to take fish from the waters of so much of said lake as lies in the town of Framingham, by fishing with hand line or rod from the shore of said waters in said town, until such time as said waters are used for water supply purposes of the said district as authorized by law.

SECTION 3. Any person violating any regulation made under section one or two shall be punished by a fine of not more than twenty dollars, and may be suspended from the right to boat or fish as aforesaid for such time as said commission may deem reasonable and just.

(This bill, returned by the governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, May 9, 1938, and, in concurrence, by the House of Representatives, May 16, 1938, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

AN ACT RELATIVE TO THE CONSTRUCTION, INSTALLATION AND USE OF COMPRESSED AIR TANKS. Chap.319

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty-six of the General Laws is hereby amended by striking out section thirty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 34.* No person shall install or use, or cause to be installed or used, any tank or other receptacle for the storing of compressed air at any pressure exceeding fifty pounds per square inch, except when attached to locomotives or street or railway cars or trackless trolley vehicles, or to motor vehicles for use in operating such vehicles or their brakes or body lifting apparatus, unless the owner or user of such tank or other receptacle shall hold a certificate of inspection issued by the division, certifying that the said tank or other receptacle has duly been inspected within two years, or unless the owner or user shall hold a policy of insurance upon the said tank or other receptacle issued by an insurance company authorized to insure air tanks within the commonwealth, together with a certificate of inspection from an insurance inspector who holds a certificate of competency described in section sixty-two.

G. L. (Ter.
Ed.), 146, § 34,
amended.

Compressed
air tanks,
construction,
etc., of.

SECTION 2. Section thirty-five of said chapter one hundred and forty-six, as so appearing, is hereby amended by inserting after the word "regulations" in the first line the words: — , conforming to recognized standards of engineering practice, — so as to read as follows: — *Section 35.* The board shall prescribe regulations, conforming to recognized standards of engineering practice, for the size, shape, construction, gauges, operation, maximum pressure, safety devices, use of oil, and other appurtenances necessary for the safe operation of such tanks or other receptacles.

G. L. (Ter.
Ed.), 146, § 35,
amended.

Rules and
regulations.

Approved May 17, 1938.

Chap. 320 AN ACT RELATIVE TO THE ALLOWANCE OF ONE DAY OF REST
IN EVERY SEVEN DAYS TO CERTAIN EMPLOYEES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 149,
§ 48, etc.,
amended.

Section forty-eight of chapter one hundred and forty-nine of the General Laws, as most recently amended by section three of chapter four hundred and twenty-three of the acts of nineteen hundred and thirty-five, is hereby further amended by inserting after the word "rest" in the seventh line the words: — , which shall include an unbroken period comprising the hours between eight o'clock in the morning and five o'clock in the evening, — so as to read as follows: — *Section 48.* Every employer of labor engaged in carrying on any manufacturing or mercantile establishment in the commonwealth shall allow every person, except those specified in section fifty, but including watchmen and employees maintaining fires, employed in such manufacturing or mercantile establishment at least twenty-four consecutive hours of rest, which shall include an unbroken period comprising the hours between eight o'clock in the morning and five o'clock in the evening, in every seven consecutive days. No employer shall operate any such manufacturing or mercantile establishment on Sunday unless he has complied with section fifty-one. Whoever violates this section shall be punished by a fine of fifty dollars.

Approved May 17, 1938.

Chap. 321 AN ACT FURTHER PENALIZING THE ILLEGAL USE, POSSESSION
OR TRANSPORTATION OF NARCOTIC DRUGS, AND SUBJECT-
ING TO PENALTY PERSONS PRESENT WHERE SUCH DRUGS
ARE UNLAWFULLY KEPT.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 94,
§ 211, etc.,
amended.

SECTION 1. Chapter ninety-four of the General Laws is hereby amended by striking out section two hundred and eleven, as amended by section seven of chapter four hundred and twelve of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — *Section 211.* Whoever, not being a licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist, registered physician, registered veterinarian, registered dentist, nurse acting under the direction of a physician, or employee of an incorporated hospital act-

Penalty for
unlawful
possession of
narcotic drugs.

ing under the direction of its superintendent or official in immediate charge, or a common carrier or messenger when transporting any narcotic drug between persons mentioned in this section in the same package in which the drug was delivered to him for transportation, is found in possession thereof except by reason of a physician's prescription lawfully and properly issued shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than three and one half years, or in a jail or house of correction for not more than two and one half years.

SECTION 2. Section two hundred and twelve of said chapter ninety-four, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth line, the word "five" and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 212.* Whoever has in his possession a narcotic drug with intent unlawfully to sell and deliver or to exchange such drug, or any part thereof, or whoever unlawfully sells, furnishes, gives, delivers or exchanges any narcotic drug in violation of any provision of sections one hundred and ninety-eight to two hundred and thirteen, inclusive, shall be punished by imprisonment in the state prison for not more than ten years, or in a jail or house of correction for not less than one year nor more than two and one half years.

G. L. (Ter. Ed.), 94, § 212, amended.

Penalty for illegal sale, etc., of narcotic drugs.

SECTION 3. Said chapter ninety-four is hereby further amended by inserting after section two hundred and twelve, as amended, the following new section: — *Section 212A.* Whoever is present where a narcotic drug is unlawfully kept or deposited may be arrested without a warrant by any officer authorized to serve criminal process and may be punished as provided in section two hundred and fourteen.

G. L. (Ter. Ed.), 94, new section 212A, added.

Arrest without warrant in certain cases.

Approved May 17, 1938.

AN ACT TO AUTHORIZE THE TOWN OF WARE TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED FROM ERNEST M. BALLOU OF WARE.

Chap. 322

Be it enacted, etc., as follows:

SECTION 1. The town of Ware is hereby authorized to refund to Ernest M. Ballou of said town a sum not exceeding the amount which has heretofore been collected by said town from said Ernest M. Ballou as taxes upon certain real estate in said town, which through mistake was erroneously assessed by said town against said Ernest M. Ballou.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1938.

*Chap.*323 AN ACT RELATIVE TO THE RETIREMENT AND PENSIONING
OF PROBATION OFFICERS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32,
§ 75, etc.,
amended.

Pensions, etc.,
for probation
officers.

SECTION 1. Chapter thirty-two of the General Laws is hereby amended by striking out section seventy-five, as most recently amended by section six of chapter one hundred and two of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 75.* Any probation officer whose whole time is given to the duties of his office shall, at his request, be retired from active service and placed upon a pension roll by the court upon which it is his duty to attend, with the approval of the county commissioners of the county in which the court is situated; provided, that he is certified in writing by a physician designated by such court to be permanently disabled, mentally or physically, for further service by reason of injuries or illness sustained or incurred through no fault of his own in the actual performance of his duty as such officer. Any such probation officer who has faithfully performed his duties for not less than twenty consecutive years, and who is not less than sixty years of age, shall be retired at his request without the aforesaid certification. Every probation officer shall be retired upon attaining the age of seventy.

No probation officer whose employment begins after June thirtieth, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

G. L. (Ter.
Ed.), 32, § 76,
amended.

Amount of
pension

SECTION 2. Said chapter thirty-two is hereby further amended by striking out section seventy-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 76.* Every person retired under the preceding section shall receive an annual pension equal to one half of the compensation received by him at the time of his retirement, to be paid by the county employing him, or, if he is employed by more than one county, by the counties by which his salary is paid, and in the same proportion; provided, that no person so retired upon attaining the age of seventy shall be entitled to such pension unless, during the fifteen years immediately preceding retirement, he has given his whole time to the duties of the office of probation officer and has faithfully performed such duties.

Approved May 17, 1938.

*Chap.*324 AN ACT GIVING THE ADMINISTRATIVE COMMITTEE OF THE
DISTRICT COURTS CERTAIN POWERS WITH RESPECT TO
TRIAL JUSTICES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 218,
§ 43A,
amended.

The first paragraph of section forty-three A of chapter two hundred and eighteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by

inserting after the word "Boston" in the eighth line the words:—, or any trial justice,— and by inserting after the word "clerks" in the tenth line the words:— and by trial justices,— so as to read as follows:— There shall be an administrative committee of district courts, which shall consist of the three presiding justices for the time being designated by the chief justice of the supreme judicial court under section one hundred and eight of chapter two hundred and thirty-one to act in the appellate districts of district courts, other than the municipal court of the city of Boston. The committee shall be authorized to visit any district court, other than the municipal court of the city of Boston, or any trial justice, as a committee or by sub-committee, to recommend uniform practices, forms of blanks and records, and to superintend the keeping of records by clerks and by trial justices.

Administrative
committee.

Approved May 17, 1938.

AN ACT RELATIVE TO REDUCING OR DISSOLVING EXCESSIVE OR UNREASONABLE ATTACHMENTS BY TRUSTEE PROCESS. *Chap. 325*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and fourteen of chapter two hundred and twenty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "attachment" in the first line the words:—, by trustee process or otherwise,— and by striking out, in the last line, the words "goods or estate to be released" and inserting in place thereof the words:— goods, estate, effects or credits to be released,— so as to read as follows:— *Section 114.* If an excessive or unreasonable attachment, by trustee process or otherwise, is made on mesne process, the defendant or person whose property has been attached may apply in writing, in any county, to a justice of the court to which such process is returnable, for a reduction of the amount of the attachment or for its discharge; and such justice shall order a notice to the plaintiff, or, if the plaintiff is a non-resident, to his attorney, which shall be returnable before himself or any other justice of the same court as speedily as circumstances permit. If, upon a summary hearing of the parties, it is found that the attachment is excessive or unreasonable, the justice shall reduce or dissolve the attachment or order a part of the goods, estate, effects or credits to be released.

G. L. (Ter.
Ed.), 223, § 114,
amended.

Excessive, etc.,
attachments,
how reduced
or discharged.

SECTION 2. This act shall take effect upon September first in the current year, and shall apply only to actions commenced on or after said date.

Effective
date.

Approved May 17, 1938.

*Chap.*326 AN ACT RELATIVE TO THE PENSIONING OF CERTAIN RESERVE AND PERMANENT MEMBERS OF POLICE AND FIRE FORCES OF CITIES AND TOWNS.

Be it enacted, etc., as follows:

So much of the provisions of sections fifty-six to sixty, inclusive, eighty, eighty-one and eighty-three to eighty-five, inclusive, of chapter thirty-two of the General Laws as apply to members of a police or fire department of a city or town shall apply to members of the reserve force of any such department whose employment as such began prior to July first, nineteen hundred and thirty-seven, and to members of the permanent force of any such department promoted thereto from such reserve force after said date, if the service of such member in such reserve force began prior to said date and continued up to the time of his promotion as aforesaid, notwithstanding any provision of law to the contrary.

Approved May 17, 1938.

*Chap.*327 AN ACT PROHIBITING THE USE OF THE WORDS "COMMONWEALTH", "STATE" OR "UNITED STATES" AS A PART OF THE NAME OF CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 155, § 9, amended.

Corporate name, use of certain words in, prohibited.

SECTION 1. Section nine of chapter one hundred and fifty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "commissioner" in the ninth line the words:—; provided, that no business corporation, bank or insurance company shall have as a part of its corporate name the word "Commonwealth", "State" or "United States",—so as to read as follows:—*Section 9.* A corporation organized under general laws may assume any name which, in the judgment of the commissioner, indicates that it is a corporation; but it shall not assume the name of another corporation established under the laws of the commonwealth, or of a corporation, firm, association or person carrying on business in the commonwealth, at the time of such organization or within three years prior thereto, or assume a name so similar thereto as to be likely to be mistaken for it, except with the written consent of said existing corporation, firm or association or of such person previously filed with the commissioner; provided, that no business corporation, bank or insurance company shall have as a part of its corporate name the word "Commonwealth", "State" or "United States". The supreme judicial or superior court shall have jurisdiction in equity, upon the application of any person interested or affected, to enjoin such corporation from doing business under a name assumed in violation of this section, although its certificate or articles of organization may have been approved and a certificate of incorporation may have been issued to it.

SECTION 2. This act shall not apply to any business corporation, bank or insurance company authorized to transact business in the commonwealth on the effective date thereof which then has as a part of its corporate name the word "Commonwealth", "State" or "United States".

Application
of act.

Approved May 17, 1938.

AN ACT PROVIDING FOR ADMINISTRATION IN CERTAIN CASES, AND RELATIVE TO THE REMOVAL OF PROPERTY OF A DECEDENT PENDING ACTION IN A PROBATE COURT OF THIS COMMONWEALTH. Chap. 328

Be it enacted, etc., as follows:

Section three of chapter one hundred and ninety-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting in the third line after the word "sixty-five" the following: — or an estate tax under chapter sixty-five A, — and by adding at the end of the section the following: — If, in the opinion of said commissioner, there is need for the appointment of a special administrator of such an estate for the protection of the interests of the commonwealth in respect to taxes under any of said chapters, either to prevent removal of property or for any other reason, said commissioner may at any time make application to the probate court for the appointment of such an administrator and the court may in its discretion make such appointment in the manner provided in section ten. Whoever, knowing that an application has been filed under this section either for administration or special administration of such an estate, shall remove from the commonwealth, except under an order or license of a court thereof, property belonging to such estate pending action by the court on such application and prior to the appointment of an executor or the granting of administration, ordinary or otherwise, under any other provision of law by a court of the commonwealth shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both, — so as to read as follows: — *Section 3.* If a person dies leaving an estate which may be liable to an income tax under chapter sixty-two or a legacy or succession tax under chapter sixty-five or an estate tax under chapter sixty-five A, and a will disposing of such estate is not offered for probate, or an application for administration made, within four months after his decease, the probate court, upon application by the commissioner of corporations and taxation, may appoint an administrator. If, in the opinion of said commissioner, there is need for the appointment of a special administrator of such an estate for the protection of the interests of the commonwealth in respect to taxes under any of said chapters, either to prevent removal of property or for any other reason, said commissioner may at any time make

G. L. (Ter.
Ed.), 193, § 3,
amended.

Right of com-
missioner of
corporations
and taxation
to apply for
administra-
tion in cer-
tain cases.

application to the probate court for the appointment of such an administrator and the court may in its discretion make such appointment in the manner provided in section ten. Whoever, knowing that an application has been filed under this section either for administration or special administration of such an estate, shall remove from the commonwealth, except under an order or license of a court thereof, property belonging to such estate pending action by the court on such application and prior to the appointment of an executor or the granting of administration, ordinary or otherwise, under any other provision of law by a court of the commonwealth shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

Approved May 17, 1938.

Chap. 329 AN ACT REGULATING THE RAISING OF FUNDS FOR THE BENEFIT OF THE BLIND.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 69, new sections 25A-25E, inclusive, added.

Issue of licenses to raise funds for the blind

Chapter sixty-nine of the General Laws is hereby amended by inserting after section twenty-five, as amended, the following five new sections: — *Section 25A.* The director, upon written application stating the purpose and manner of raising funds, the time during which it is proposed to solicit, and the time and place of any proposed entertainment or game, may issue licenses to raise funds for the benefit of the blind. He may order a hearing on any such application, and may require such public notice thereof to be given as he deems expedient. If the director has reasonable grounds for believing that a violation of law is intended, or that the granting of the license will not be for the public interest, he may refuse to issue the same. Every such license shall contain the name of the applicant, the purpose for which it is granted, and the period, which shall not exceed one year, for which it is issued. Any person aggrieved by the refusal of the director to issue such a license may appeal to the advisory board of the division, whose decision shall be final.

Soliciting funds without a license prohibited.

Section 25B. No person shall offer for sale tags, tickets, souvenirs or other merchandise, or conduct an entertainment or game, or otherwise solicit funds, for the benefit of any blind person or group of blind persons, without a license under section twenty-five A. Whoever receives such a license shall cause to appear upon every article sold thereunder, and shall post in a conspicuous place near the entrance to any building where an entertainment or game is to be held thereunder, a statement that such sale, entertainment or game has been duly licensed by the director, and shall comply with all rules and regulations made by said director under authority of section twenty-five C.

Rules and regulations.

Section 25C. The director may make rules and regulations relative to the conduct of sales, entertainments, solic-

iting campaigns and other methods of raising funds for the benefit of blind persons, and may by such rules and regulations limit the amount of commissions and other compensation to be received by persons engaged in raising such funds.

Section 25D. Whoever violates any provision of section twenty-five B or of any rule or regulation made under authority of section twenty-five C shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or both. A conviction of any such violation shall be reported forthwith by the court or magistrate to the director, who may revoke the license of any licensed person so convicted. Penalty.

Section 25E. Sections twenty-five A to twenty-five D, inclusive, shall not apply to the Perkins Institution and Massachusetts School for the Blind, to The Catholic Guild for the Blind, or to any organization incorporated under the laws of the commonwealth prior to January first, nineteen hundred and thirty-eight, and theretofore engaged in work for the blind; nor shall the provisions of said sections restrict any blind person in the pursuit of a gainful occupation if he does not hold out his blindness as an inducement of patronage, or prohibit the featuring of blind artists at duly licensed places of amusements, or at entertainments for the benefit of charitable, benevolent or religious organizations not subject to said sections. Application of sections limited.

Approved May 17, 1938.

AN ACT FURTHER REDUCING THE RATE OF INTEREST ON UNPAID LOCAL TAXES. *Chap. 330*

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty-nine of the General Laws is hereby amended by striking out section fifty-seven, as most recently amended by section one of chapter two hundred and three of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 57.* Taxes shall be payable in every city, town and district in which the same are assessed, in two equal instalments, on July first and on October first of each year, and bills for the same shall be sent out not later than June fourteenth of each year. Interest shall be paid at the rate of four per cent per annum on all taxes remaining unpaid after November first of the year in which they are payable, computed from October first of such year. Bills for taxes assessed under section seventy-five shall be sent out not later than December twenty-sixth, and such taxes shall be payable not later than December thirty-first. If they remain unpaid after that date, interest shall be paid at the rate above specified, computed from December thirty-first until the day of payment, but if, in any case, the tax bill is sent G. L. (Ter. Ed.), 59, § 57, etc., amended.

Date for payment of taxes.

Interest.

out later than December twenty-sixth, said taxes shall be payable not later than ten days from the day upon which said bill is sent out, and interest shall be computed from the fifteenth day following the date when the tax becomes due. In all cases where interest is payable it shall be added to and become a part of the tax.

Application
of act.

SECTION 2. This act shall apply only to taxes assessed in the current year and thereafter.

Approved May 17, 1938.

Chap.331 AN ACT PROVIDING COMPENSATION FOR THE COMMANDING GENERAL OF THE TWENTY-SIXTH DIVISION AS A MEMBER OF THE SPECIAL MILITARY RESERVATION COMMISSION.

Be it enacted, etc., as follows:

Chapter one hundred and ninety-six of the acts of nineteen hundred and thirty-five is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* A special military reservation commission is hereby established, consisting of the adjutant general as chairman, and of the commanding general of the twenty-sixth division, Massachusetts national guard, and the state quartermaster, as associate commissioners, said commission to be hereinafter referred to as the commission. Neither the adjutant general nor the state quartermaster shall receive any additional compensation on account of their membership in said commission. Said commanding general shall receive one day's pay of grade for each day upon which he actually sits, or performs the duties incumbent upon him, as a member of the commission, but in no event more than two hundred and fifty dollars in any one year.

Approved May 17, 1938.

Chap.332 AN ACT ESTABLISHING A FEE FOR THE TRANSFER OF CERTAIN PLATES FURNISHED FOR CERTAIN MOTOR VEHICLES TRANSPORTING PROPERTY FOR HIRE.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 159B,
§ 7, etc.,
amended.

Section seven of chapter one hundred and fifty-nine B of the General Laws, as amended by section three of chapter three hundred and forty-five of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting after the word "dollar" in the fifteenth line the following: — and the charge for each transfer thereof shall be one dollar, — so as to read as follows: — *Section 7.* Each application for a certificate or permit shall be made in writing in such form as the department may prescribe, shall be verified by oath or written declaration that it is

Certification
permits to
transport
property
for hire.

made under the penalties of perjury, shall contain such information as the department may require and shall be accompanied by a fee of ten dollars. A distinguishing plate shall be prescribed and furnished by the department annually for each of the vehicles which are reasonably necessary for the conduct of the business of the holder of the certificate or permit, and there shall be displayed upon each motor vehicle operated under any provision of this chapter the plate so furnished for such vehicle. Transfer of such plate from one vehicle to another is prohibited except upon authority and consent of the department. The annual charge for each plate shall be one dollar and the charge for each transfer thereof shall be one dollar. Any such certificate or any such permit issued as aforesaid may be assigned and transferred in whole or in part, with the approval and consent of the department, by the holder, his assignee, receiver or trustee, or by the holder's personal representative or the surviving partner or partners or the deceased partner's personal representative to whom the rights and privileges under said certificate or permit shall pass at the death of said holder. The department is hereby authorized to prescribe the conditions precedent to such transfer and make any necessary rules and regulations pertaining thereto, including the payment of a fee not exceeding one dollar for the approval of the transfer, in whole or in part, of a permit and a fee of not exceeding five dollars for the approval of the transfer, in whole or in part, of a certificate. The department may revoke, or suspend for such period of time as it may deem fit, any certificate or permit in whole or in part for wilful and repeated violations of any provision of this chapter or of the regulations of the department made under authority thereof, after a hearing, at least ten days' notice of which shall be given to the holder of the certificate or permit. Any such certificate or permit shall remain in effect unless and until revoked by the department as herein provided, but subject, however, to suspension as aforesaid. *Approved May 19, 1938.*

Transfer
of plates.
Fee.

AN ACT AUTHORIZING THE TOWN OF LEICESTER TO BORROW *Chap. 333*
MONEY FOR THE PURPOSE OF CONSTRUCTING A SCHOOL
BUILDING OR A SCHOOL AND TOWN OFFICE BUILDING COM-
BINED, OR TO RENT FROM THE TRUSTEES OF THE LEICESTER
ACADEMY A BUILDING FOR A TERM OF YEARS FOR SAID
PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of acquiring land for, and constructing and originally equipping and furnishing, a school building or a school and town office building combined, the town of Leicester may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the ag-

gregate, eighty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Leicester Building Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. In lieu of entering upon the building construction described in section one and borrowing as authorized thereby, the town of Leicester may lease from the Trustees of Leicester Academy, for use for school and town building purposes, or either of said purposes, a building owned or to be constructed by said trustees, said lease to be entered into for a period of not more than twenty years and to contain such other provisions as may be agreed upon by said trustees and said town.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1938.

Chap. 334 AN ACT FURTHER EXTENDING THE TERM OF OFFICE OF THE MILK CONTROL BOARD.

Emergency
preamble.

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four is hereby amended by striking out section twenty-two, as amended by chapter three hundred of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:—*Section 22.* The board shall continue with all the duties and responsibilities prescribed and imposed by this act until June thirtieth, nineteen hundred and forty. On and after the date when this act ceases to be operative any and all obligations which shall have arisen prior to such date or which may arise thereafter in connection therewith, and any violations which shall have occurred prior to such date, shall be deemed not to be affected, terminated or waived by reason of the fact that this act has ceased to be operative.

Approved May 19, 1938.

Chap. 335 AN ACT RELATIVE TO THE ALLOWANCE OF HOURS FOR MEALS FOR WOMEN AND CHILDREN EMPLOYED IN FACTORIES AND WORKSHOPS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an

emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section one hundred and one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 101.* The two preceding sections shall not apply to iron works, glass works, paper mills, letterpress establishments, print works, bleaching works or dyeing works; and the commissioner, if it is proved to his satisfaction that in any other factories or workshops it is necessary, by reason of the continuous nature of the processes or of special circumstances affecting such factories or workshops, to exempt them from the two preceding sections and that such exemption can be made without injury to the health of the women and children affected thereby, may grant such exemption as, in his discretion, seems necessary.

G. L. (Ter. Ed.), 149, § 101, amended.

Limitation of §§ 99 and 100.

Hours for meals for women and children.

Approved May 19, 1938.

AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY AN ANNUITY TO THE WIDOW OF WILLIAM C. BARTEAU. *Chap. 336*

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton may pay an annuity under section eighty-nine of chapter thirty-two of the General Laws, as amended, to, or for the benefit of, the widow of William C. Barteau, who died on August twentieth, nineteen hundred and thirty-seven, from injuries received on August fourteenth, nineteen hundred and twenty-eight, while in the performance of duty as a member of its police department, as though the injuries causing the death of said Barteau had been received after January first, nineteen hundred and thirty.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved May 19, 1938.

AN ACT FURTHER REGULATING THE SALARIES OF THE CHAIRMAN AND SECRETARY OF THE BOARD OF REGISTRATION OF BARBERS. *Chap. 337*

Be it enacted, etc., as follows:

SECTION 1. Section forty-one of chapter thirteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the word "secretary" and inserting in place thereof the word: — chairman, — so as to read as follows: — *Section 41.* The members of the board shall devote their full time to the duties of their offices and they shall receive from the com-

G. L. (Ter. Ed.), 13, § 41, amended.

Compensation, etc., of members and secretary of board.

monwealth the following salaries: — the chairman, three thousand dollars and his necessary expenses incurred in the discharge of his official duties, and each of the other two members twenty-five hundred dollars and his necessary expenses so incurred; provided, that the salaries and expenses of the members of the board, and the expenses of the board, shall not be in excess of the receipts for registration and from other sources received by the state treasurer from the board.

Effective
date.

SECTION 2. This act shall take effect on January first, nineteen hundred and thirty-nine.

Approved May 19, 1938.

Chap. 338 AN ACT GIVING DISTRICT COURTS DISCRETIONARY POWER TO ALLOW PLAINTIFFS TO REMOVE MOTOR VEHICLE TORT CASES, SO CALLED, TO THE SUPERIOR COURT FOR THE PURPOSE OF CONSOLIDATING CASES FOR TRIAL.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 231,
§ 102A, etc.,
amended.

Removal of
certain actions
brought in
district courts.

SECTION 1. Chapter two hundred and thirty-one of the General Laws is hereby amended by striking out section one hundred and two A, as amended by section one of chapter one hundred and thirty-three of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 102A.* A party bringing in a district court an action of tort arising out of the operation of a motor vehicle shall thereby be deemed to have waived a trial by jury and any right of appeal to the superior court, unless said action is removed to the superior court as provided in this section, but in case such action is so removed by any other party the plaintiff shall have the same right to claim a jury trial as if the action had been originally brought in the superior court. Not more than four days after the entry of such an action in a district court, or at any time thereafter by leave of such court if it finds that there is another action pending in the superior court with which such action should be consolidated for trial, the plaintiff may file in the district court a claim of trial by the superior court, with or without jury, and an affidavit by his counsel of record, if any, and if none, the affidavit of such party, that in his opinion there is an issue of fact or law requiring trial in the cause and that such trial is in good faith intended, together with the sum of three dollars for the entry of the cause in the superior court. The clerk shall forthwith transmit the papers in the cause and said entry fee to the clerk of the superior court, and the case shall proceed as though originally entered there.

No other party to such action shall be entitled to an appeal. In lieu thereof, any such other party may remove such action to the superior court and the pertinent provisions of sections one hundred and four to one hundred and ten, inclusive, shall apply thereto. If a trial by jury is

claimed by any party such action may be marked for trial upon the list of causes advanced for speedy trial by jury.

SECTION 2. This act shall take effect upon September first in the current year. *Approved May 19, 1938.* Effective date.

AN ACT RELATIVE TO THE EFFECT OF TAX SALES AND TAKINGS ON EASEMENTS AND RESTRICTIONS, AND ON COVENANTS AND AGREEMENTS RUNNING WITH THE LAND. Chap. 339

Be it enacted, etc., as follows:

SECTION 1. Section forty-five of chapter sixty of the General Laws, as most recently amended by chapter two hundred and nine of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "conveyed" in the sixteenth line the words: —

, both before and after either redemption or foreclosure, — by inserting after the word "and" the first time it occurs in the eighteenth line the words: — , except as provided in section seventy-seven, — and by striking out, in the twentieth line, the word "taken" and inserting in place thereof the word: — conveyed, — so as to read as follows: —

Section 45. The collector shall execute and deliver to the purchaser a deed of the land, stating the cause of sale, the price for which the land was sold, the name of the person on whom the demand for the tax was made, the places where the notices were posted, the name of the newspaper in which the advertisement of the sale was published, and the residence of the grantee, and shall contain a warranty that the sale has in all particulars been conducted according to law. The deed shall convey the land to the purchaser, subject to the right of redemption. The title thus conveyed shall, until redemption or until the right of redemption is foreclosed as hereinafter provided, be held as security for the repayment of the purchase price, with all intervening costs, terms imposed for redemption and charges, with interest thereon, and the premises conveyed, both before and after either redemption or foreclosure, shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto, and, except as provided in section seventy-seven, all covenants and agreements running with said premises either at law or in equity, when so conveyed. Such deed shall not be valid unless recorded within sixty days after the sale. If so recorded it shall be prima facie evidence of all facts essential to the validity of the title thereby conveyed, whether the deed was executed on or before as well as since July first, nineteen hundred and fifteen. No sale hereafter made shall give to the purchaser any right to possession of the land until the expiration of two years after the date of the sale.

G. L. (Ter. Ed.), 60, § 45, etc., amended.

Collector's deed, contents and effect.

SECTION 2. Section fifty-four of said chapter sixty, as amended by section seven of chapter three hundred and

G. L. (Ter. Ed.), 60, § 54, etc., amended.

Instrument of
taking, form,
contents, effect.

twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the last sentence and inserting in place thereof the following:— Such title shall, until redemption or until the right of redemption is foreclosed as hereinafter provided, be held as security for the repayment of said taxes with all intervening costs, terms imposed for redemption and charges, with interest thereon, and the premises so taken, both before and after either redemption or foreclosure, shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto, and, except as provided in section seventy-seven, all covenants and agreements running with said premises either at law or in equity, when so taken, — so as to read as follows:— *Section 54.* The instrument of taking shall be under the hand and seal of the collector and shall contain a statement of the cause of taking, a substantially accurate description of each parcel of land taken, the name of the person to whom the same was assessed, the amount of the tax thereon, and the incidental expenses and costs to the date of taking. Such an instrument of taking shall not be valid unless recorded within sixty days of the date of taking. If so recorded it shall be prima facie evidence of all facts essential to the validity of the title so taken, whether the taking was made on or before as well as since July first, nineteen hundred and fifteen. Title to the land so taken shall thereupon vest in the town, subject to the right of redemption. Such title shall, until redemption or until the right of redemption is foreclosed as hereinafter provided, be held as security for the repayment of said taxes with all intervening costs, terms imposed for redemption and charges, with interest thereon, and the premises so taken, both before and after either redemption or foreclosure, shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto, and, except as provided in section seventy-seven, all covenants and agreements running with said premises either at law or in equity, when so taken.

G. L. (Ter.
Ed.), 60, § 77,
amended.

SECTION 3. Section seventy-seven of said chapter sixty, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new paragraph: —

Title of city
or town after
foreclosure.

Before foreclosure so much of the provisions of any covenant or agreement running with the land as calls for the payment of money by the owner thereof shall not be enforceable against a town which is the owner of record of such land under a tax title or taking, except as hereinafter provided. After foreclosure the town while it is the owner of record of such land may apply to the commissioner for an extension of the time during which such provisions shall not be enforceable against it. The commissioner shall have the power in his discretion to grant such an extension for a period not exceeding one year from the date of the foreclosure, and thereafter, from time to time, upon similar

Extension
of certain
covenants.

applications, may in his discretion grant similar additional extensions. Any such extension shall be in writing, may be recorded in the appropriate registry of deeds, and if so recorded within thirty days from its date, shall be conclusive in favor of the town. In no event, however, shall such provisions calling for the payment of money be so suspended and inoperative during any period in which such town directly or indirectly in any capacity accepts or receives the benefit of such covenant or agreement or of any right or privilege created or affected thereby.

Approved May 19, 1938.

AN ACT PROVIDING FOR THE REMOVAL OF THE PRESENT
 INCLINE AND APPROACH TO THE TREMONT STREET SUB-
 WAY LOCATED IN BOYLSTON STREET BETWEEN ARLINGTON
 STREET AND CHARLES STREET IN THE CITY OF BOSTON
 UPON THE DISCONTINUANCE OF THE USE THEREOF BY THE
 BOSTON ELEVATED RAILWAY COMPANY AND RELATIVE TO
 THE TAKING OF CERTAIN LAND FOR MUNICIPAL AND OTHER
 PURPOSES IN SAID CITY. *Chap. 340*

Be it enacted, etc., as follows:

SECTION 1. Upon the discontinuance by the Boston Elevated Railway Company, hereinafter called the company, of its use of the present incline and approach to the Tremont street subway, located in Boylston street between Arlington street and Charles street in the city of Boston, hereinafter called the city, constructed under authority of chapter eight hundred and ten of the acts of nineteen hundred and thirteen and used by said company under its contract with the city for the use of the Boylston street subway, dated December seventh, nineteen hundred and eleven, as modified by the contract of said company with the city, dated September twenty-ninth, nineteen hundred and thirteen, the city, acting through its transit department, hereinafter called the department, is hereby authorized to remove the said incline and approach and to fill up the excavation of said incline and, when said incline and approach have been removed and said excavation filled in, to repave and resurface so much of Boylston street between Arlington street and Charles street as it may deem necessary for traffic purposes; provided, that no part of said work shall be begun unless and until a plan thereof shall have been prepared by the department and approved by the board of trustees of the company and its board of directors.

The net cost of the Boylston street subway and of the Tremont street subway, upon which the company pays rental, shall be neither increased nor decreased on account of the work herein authorized.

SECTION 2. The department may order the temporary removal or relocation of any surface tracks, and the temporary or permanent removal or relocation of any conduits,

pipes, wires, poles, or other property, located in public ways or places, which it deems to interfere with the work authorized by this act, and shall grant new locations for any such structures so removed or relocated. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, conduits, pipes, wires, poles, or other property, in such public ways or places, and the owner of any such structures in public ways or lands shall comply with such orders without expense to the city. If any such owner shall fail to comply with the order of the department within a reasonable time, to be fixed in the order, the department may discontinue and remove such tracks, conduits, pipes, wires, poles, or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the city by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. Any gas or electric lighting company shall shut off the gas or current from any pipes or wires affected by any acts done hereunder, so far and for such time as may be necessary to prevent the escape or explosion of gas, or other public danger.

SECTION 3. So much of the provisions of section three of said chapter eight hundred and ten as provides that if the new incline therein provided for shall be discontinued at any future time the land taken under authority thereof from the Public Garden for the widening of Boylston street shall revert back to its then present use as a part of the Public Garden, and the then existing street line of Boylston street shall be re-established, is hereby repealed.

SECTION 4. The taking without compensation therefor, under an order passed June twenty-fifth, nineteen hundred and fourteen, by the board of street commissioners of the city, approved by the mayor of the city June twenty-ninth, nineteen hundred and fourteen, of the parcel of public land, hereinafter described, for the making in the city of the public improvement consisting of the widening and construction of Boylston street, Boston proper, as a highway, on the northerly side, easterly from Arlington street, substantially as shown on a plan marked City of Boston Boylston St. Boston Proper May 20, 1914 F. O. Whitney Chief Engineer Street Laying Out Department, and deposited in the office of said department, is hereby authorized, ratified and confirmed. Said parcel is in said order named, bounded and described as follows:— "The highway named Boylston street is hereby widened on the northerly side, easterly from Arlington street, and the Boston Transit Commission is hereby authorized to construct the same. Said highway as hereby widened is bounded — West by Arlington street, forty and 15/100 feet; north by the northerly line of Boylston street as hereby widened, three hundred seventy-six and 45/100 feet; southeast by the northwesterly line of Boylston street as established by the Boston Transit Com-

mission under authority of chapter 810 of the Acts of the Legislature of 1913, three hundred seventy-five and 16/100 feet: containing seventy-five hundred twenty-nine square feet more or less."

SECTION 5. Sections three, four and this section shall take effect upon the passage of this act. Sections one and two shall take full effect only upon acceptance thereof by the board of trustees of the Boston Elevated Railway Company and by said company by vote of its board of directors and upon the filing of certificates of such acceptances with the state secretary; provided, that such acceptances and filing occur during the current year.

Approved May 19, 1938.

AN ACT MAKING CHANGES AND ADJUSTMENTS IN CERTAIN LAWS AUTHORIZING THE ELECTION OF CERTAIN CITY AND TOWN OFFICERS BY PROPORTIONAL REPRESENTATION AND PREFERENTIAL VOTING, AND HARMONIZING AND CORRELATING SUCH LAWS WITH OTHER PROVISIONS OF THE GENERAL LAWS.

Chap. 341

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter fifty-four A, inserted by chapter three hundred and forty-five of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 54A, stricken out and new chapter inserted.

CHAPTER 54A.

ELECTION OF CERTAIN CITY AND TOWN OFFICERS BY PROPORTIONAL REPRESENTATION OR PREFERENTIAL VOTING.

Section 1. The following words, as used in this chapter, shall, unless the context otherwise requires, have the following meanings:

Definitions.

"Elected at large" shall mean elected by and from all the voters of a city or town.

"Elective body" or "body" shall mean any body, board or commission of any city or town, whether or not any or all of its members are elected at large, including the school committee, the selectmen of a town and the legislative body of a city, or either branch thereof, but shall not include the city council of the city of Boston or the town meeting members of any town.

"Elective office" or "office" shall mean any office in any city or town, other than that of a member of a body as herein defined, the incumbent of which is elected at large.

"Elective officer" or "officer" shall mean any officer of any city or town, not a member of a body as herein defined, who is elected at large.

"Proportional representation", shall mean any proportional representation method of election authorized by this chapter.

“Preferential voting” shall mean the preferential voting method of election provided for in this chapter.

This chapter shall not apply to any town wherein official ballots are not used at town elections.

Petition, contents, form of question for submission to voters.

Section 2. A petition in a form prescribed as hereinafter provided, signed in person by registered voters of any city or any town as to which this chapter applies, equal in number to at least ten per cent of the registered voters thereof, petitioning that all the members of any particular elective body as to which this chapter applies, specified in the petition, to be composed of any odd number of members not more than fifteen in a city, or any number then permitted by law in a town, which is specified therein, be elected at large by proportional representation, or that any particular elective officer, specified therein, be elected by preferential voting, and that the question of adopting the proposed change be submitted to the voters of such city or town at a regular state or municipal election, as specified therein, may be filed with the city or town clerk not later than ninety days prior to such a state election or not later than sixty days prior to such a municipal election, as the case may be; provided that this section shall not authorize the filing of a petition for submission of such a question relative to a body or officer except at the regular state or municipal election next preceding a regular municipal election at which successors to one or more members of such a body are to be elected or a successor to such officer is to be elected, as the case may be; and, provided, further, that this section shall not authorize the submission of such a question relative to any body the members of which are already authorized to be elected by proportional representation.

The city or town clerk shall prescribe the form of the aforesaid petitions which shall conform to the provisions of section thirty-eight of chapter forty-three relative to initiative petitions in cities governed by said chapter.

Within twenty days after the filing of any such petition, the city or town clerk shall transmit the same to the registrars of voters who shall certify upon such petition the number of signatures which are names of registered voters in such city or town; provided, that the registrars need not certify a greater number of names than is equal in number to twelve per cent of the registered voters therein. Any petition for the submission of any such question at a state election shall be transmitted to the state secretary forthwith after the aforesaid certification.

If such a petition, signed by the requisite number of voters of a city or town and otherwise conforming to the provisions of this section, is filed with the city or town clerk and the signatures thereon certified as hereinbefore required, there shall, except as provided in this section, be printed on the official ballot to be used in such city or town at the election specified in such petition, the question of the adoption of the change petitioned for, in the form set forth

in the first of the following questions, in case the change will affect an elective body or in the form set forth in the second, in case it will affect an elective officer, the blanks in either such question to be properly filled in:—

(1) Referendum on the election at large by proportional representation of the members of (insert name of the elective body specified in the petition) of the (city or town) of:

Shall the (insert name of the elective body specified in the petition) of this (city or town) be elected by proportional representation as authorized in chapter fifty-four A of the General Laws, said body to consist of (insert number) members, all to be elected at large?

YES.	
NO.	

(2) Referendum on the election by preferential voting of (insert title of the elective officer specified in the petition) of the (city or town) of

Shall the (insert title of the elective officer specified in the petition) of this (city or town) be elected by preferential voting as authorized in chapter fifty-four A of the General Laws?

YES.	
NO.	

If, pending the determination of the question of electing by proportional representation the members of any elective body proposed by a petition already filed under this section, a petition presenting the question of so electing the members of such body but specifying a different number of members shall be presented for filing with a city or town clerk, no action shall be taken upon the later petition except to file it, until after the submission to a vote of the question proposed by the earlier petition. Should the result of such vote be adverse thereto, proceedings shall then be had upon the later petition as though it had been filed upon the day when such vote on the earlier petition was cast.

If a majority of the votes cast upon any such question relative to a body or officer of a city or town is in the affirmative the following provisions of this chapter, so far as apt, shall apply with respect to such body or officer and shall become operative with respect to the regular municipal election of such city or town next succeeding the vote on such question; provided, that if the terms of all members of such a body in office immediately preceding such election will not so expire that successors to all the members will be required by law to be elected at such election, the operation of such provisions shall be suspended and, as the terms of the members so in office, other than those having the longest unexpired terms, expire, their successors shall be elected, by the voting system then in effect, to serve only for terms of such length that the terms of all members so in office will expire at the same time.

At the regular municipal election immediately preceding the termination of the terms of all members of such a body,

the full number of its members as specified in the question shall be elected at large, to serve for terms of the same length as the longest term then established for any of its members, by proportional representation and in accordance with the provisions of law governing elections to such body which are not inconsistent with this chapter, and thereafter as the terms of the members so elected expire their successors shall be elected in the same manner and, except as otherwise provided by chapter forty-one in the case of a town, for the same terms.

At the regular municipal election immediately preceding the termination of the term of such an elective officer, his successor shall be elected, for the same term of office as then provided by law, by preferential voting and in accordance with the provisions of law governing elections to such office which are not inconsistent with this chapter.

If affirmative action on any such question relative to an elective body of a city is taken at a state election and the regular city election at which proportional representation is first required hereby to be used for the election of members to such body occurs in the same year as such state election, the regular city election in that year shall take place on the third Tuesday of December, notwithstanding the provisions of its charter.

Nomination
of candidates.

Section 3. Notwithstanding any provision of general or special law, nominations of candidates to be elected to such a body or office shall be made only by nomination papers; and, except as hereinafter provided, the provisions of special law, if any, relative to the nomination of candidates by nomination papers for election to such body or office shall apply with respect to such nominations or, if there is no such special law, the provisions of general law relative to such nominations shall so apply.

The number of signatures of voters of a city or town required for nomination of a candidate for election as a member of any such elective body shall be not less than one nor more than two for every two hundred votes cast for governor at the preceding biennial state election in such city or town, and for nomination of a candidate for election to any such elective office not less than one nor more than two for every one hundred votes so cast; and any nomination papers for election to any such body or office bearing more than the maximum number of signatures permitted by this section shall be invalid. Nomination papers shall be issued by the city or town clerk to any such candidate, upon request, to such number as will provide spaces for signatures equal to three times the number of signatures required for the nomination of such a candidate, but no more. A voter may not sign the nomination papers of more than one candidate for election as a member of any such body; and if a voter signs nomination papers of more than one such candidate his signature shall be invalid on

all such papers except the first one acted upon by the registrars of voters.

Section 4. At any election at which members of such a board are to be elected by proportional representation or such an officer is to be elected by preferential voting, official ballots for such purpose shall be prepared and furnished by the city or town clerk. There shall be a separate form of ballot for each such body and for each such officer, and each such separate form of ballot shall be of a different and clearly distinguishable color from that of any other form of ballot prepared and furnished at the public expense for use at the same election. Ballots,
form of.

On such ballots for use in elections by proportional representation or preferential voting, there shall be printed the following directions to voters, the first sentence under the heading to be printed in prominent bold-faced type.

DIRECTIONS TO VOTERS.

Do NOT use X marks.

Mark your choices with NUMBERS only.

Put the figure 1 opposite your first choice, the figure 2 opposite your second choice, the figure 3 opposite your third choice, and so on. You may mark as many choices as you please.

Do not put the same figure opposite more than one name.

If you spoil this ballot, return it for cancellation to the election officer in charge of the ballots and get another from him.

Section 5. Ballots used in elections to such a body or office by proportional representation or preferential voting shall be printed in as many lots as there are candidates for election thereto. In the first lot the names of the candidates shall appear in the alphabetical order of their surnames. In the second lot the names shall appear in the same order except that the first name in the first lot shall be placed last. In each succeeding lot the order shall be the same as that of the lot preceding, except that the first name in that preceding lot shall be placed last. Sets of ballots to be used at the several polling places shall be made up by combining ballots from the different lots in regular rotation, so that no two successive voters shall receive ballots from the same lot, and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used. The number of ballots provided for each polling place shall exceed by twenty per cent the number of voters entitled to vote thereat. Arrangement
of names
on ballot.

Section 6. Immediately preceding an election by the method of proportional representation or preferential voting, the city or town clerk shall designate a central counting place where ballots used under such method shall be Central count-
ing place.

brought together and counted publicly, appoint a competent person to act as director of the count, employ a sufficient staff of assistants and make suitable arrangements for the counting of such ballots.

The city or town clerk shall furnish the director of the count with a seal or suitable device with a designation thereon of such central counting place, and such seal shall be used in sealing all envelopes required by law to be sealed at said central counting place. The director of the count shall retain custody of the seal and shall after the election is at an end deliver it to the city or town clerk. Before entering upon the performance of his official duties, the director of the count and each of his assistants shall be sworn before the city or town clerk or any officer qualified to administer oaths, or, in the case of any such assistant, before the director; and a record thereof shall be made. The director of the count and his assistants shall receive such compensation for each day's actual service as the city council or selectmen may determine. During the absence or disability of the director of the count, such one of his assistants as may be designated by the city or town clerk shall perform the duties of such director.

Appointment
of watchers,
challengers, etc.

Section 7. At each election by the method of proportional representation or preferential voting any candidate for election by such method shall be entitled, upon written application to the city or town clerk at least ten days before said election, to exercise all rights granted by the election laws to a political party in regard to the appointment of challengers at the polling places. Such challengers shall be permitted to remain at the polling places until the ballots have been transmitted to the central counting place, and to accompany the ballot receptacles to the central counting place.

Each such candidate shall be entitled to appoint two witnesses and two alternate witnesses of the count of the ballots cast for election to the body or office to which he seeks to be elected, and any such appointments shall become effective upon the issue to such appointees of credentials as hereinafter provided. Such credentials shall be issued by the city or town clerk, provided that written notice of the names and addresses of the appointees signed by such candidate is filed with the city or town clerk at least ten days before the election at which they are intended to be used. Credentials issued to any such witness shall entitle the holder to free access to any part of the central counting place wherein the ballots cast at such election for election to the body or office to which the candidate seeks to be elected are being counted, to witness the counting of such ballots and to inspect all activities in connection with the counting thereof; and credentials issued to any such alternate witness shall entitle the holder to exercise like rights in the absence of the principal witness for whom he has been appointed to act as alternate.

Each such candidate shall also be entitled to appoint two representatives to watch the ballots at the central counting place during recesses when the counting of ballots is not in progress. Application for the appointment of such representatives shall be made and credentials issued as provided in this section for witnesses to the central count and their alternates. During any time when the counting of ballots is not in progress, from the time the ballots first begin to arrive at the central counting place until the ballots have been sent from the central counting place to the city or town clerk as provided in section nine (s), such representatives shall have the right to be present, with facilities for keeping in full view all the ballots cast in electing persons to fill the office sought by their candidate, or the containers in which such ballots have been placed, except during such time as the ballots or containers of ballots may be kept in a locked safe or a vault. No such witness, alternate witness or representative shall be allowed to handle any of such ballots.

Challengers, witnesses, alternate witnesses and representatives provided for in this section shall serve without compensation.

Section 8. At each polling place in any city or town where an election by proportional representation or preferential voting is to be held as a part of an election by any other method or at which any question is to be submitted on the ballot, an additional state ballot box shall be used for the ballots cast under proportional representation or under preferential voting, or under both, as the case may be. In such case, the clerk of the city or town shall, at the expense of the city or town, provide the additional state ballot box for each polling place in the city or town and shall deliver the same to the election officers thereat seasonably before the election at which it is to be used.

Separate
ballot boxes.
Transmission
of ballots to
central count-
ing place.

In such case, as soon as the polls have closed and the ballot box used for ballots other than those cast under proportional representation or preferential voting, has been opened in accordance with section one hundred and five of chapter fifty-four and while such ballots are being audibly counted as provided therein, the election officers shall sort out any ballots cast under proportional representation or preferential voting which have been deposited in such ballot box and immediately deposit such ballots in the additional ballot box provided therefor. Such additional ballot box shall then be opened by the presiding officer and the ballots taken therefrom and audibly counted one by one and the whole number of ballots cast under proportional representation and preferential voting shall be publicly announced by him and a record made thereof in words at length and of the ballot box register. Any ballots other than those cast under proportional representation or preferential voting found in such additional ballot box shall immediately be deposited in the ballot box pro-

vided therefor for cancellation and shall then be taken out and included for counting with the other like ballots already audibly counted.

The presiding officer shall thereupon cause all ballots cast under proportional representation and preferential voting to be publicly enclosed in an envelope or envelopes and sealed up with the seal provided for the polling place and also with the private seal of any election officer who may desire to affix the same thereto. A majority of the election officers at the polling place shall endorse upon such envelope or envelopes the polling place, the election and date and also a certificate that all the ballots cast under proportional representation and preferential voting by the voters at such polling place and none others are enclosed therein.

The presiding officer shall cause a copy of the record of the total number of names checked on the voting lists, a copy of the record of the whole number of ballots cast under proportional representation and preferential voting, a copy of the record of the register of the ballot box used for such ballots and a record of the number of such ballots given out to voters and of the number of such ballots spoiled and returned by the voters for cancellation, to be enclosed in an envelope and sealed up as aforesaid and shall certify on the envelope the contents thereof. He shall also enclose in an envelope or envelopes in like manner those of such ballots which were spoiled and returned and those which were not given out.

He shall then personally deliver the said envelopes to the central counting place or transmit them thereto by a police officer.

In the event that an election by proportional representation or preferential voting shall be conducted but not as a part of an election by any other method or at which any question is to be submitted on the ballot, the presiding officer shall, as soon as the polls are closed, seal the ballot box and deliver it in person to the central counting place or transmit it thereto by the police officer in attendance at the polling place, together with the voting lists, a record of the ballot box register and of the number of ballots given out, and the ballots spoiled and returned and the ballots not given out, all of which shall be enclosed in an envelope or envelopes sealed and identified as aforesaid.

Proper receipts shall be required in connection with the transmission of ballot boxes, ballots, records and copies of records.

The ballot receptacles shall be assembled by polling places for counting at the central counting place in an order of polling places determined by the city or town clerk by lot. For such purpose lots shall be drawn not later than the closing of the polls in the presence of such candidates or their agents as wish to attend after due notification at least five days in advance.

The ballot receptacles shall be opened and the number of ballots found therein recorded and the number thereof shall be compared with the records sent from the corresponding polling places. The records thus compared shall be made available to the public with notations explaining any necessary corrections therein and if any discrepancy appears in such records which cannot be reconciled it shall be noted on the records.

Section 9. Ballots cast under proportional representation shall be counted and the results determined under the supervision of the director of the count appointed pursuant to section six, according to the following rules:—

Method of counting ballots.

(a) The ballots in each ballot receptacle shall be examined for validity and those which are found to be blank or otherwise invalid shall be separated from the valid ballots. The number of valid ballots from each precinct and the total number of valid ballots shall be recorded. If a ballot does not clearly show which candidate the voter prefers to all others, or if it contains any word, mark or other sign apparently intended to identify the voter, it shall be set aside as invalid. Every ballot not thus invalid shall be counted according to the intent of the voter, so far as that can be clearly ascertained, whether marked according to the directions printed on it or not. No ballot shall be held invalid because the names of candidates thereon for whom the voter did not mark a choice have been stricken out, unless such striking out constitutes an identifying mark. A single cross on a ballot on which no figure 1 appears shall be considered equivalent to the figure 1. If a ballot contains both figures and crosses, the order of the choice shown by the figures shall be taken as the voter's intention in so far as the order is clearly indicated. If the consecutive numerical order of the figures on a ballot is broken by the omission of one or more figures, the smallest number marked shall be taken to indicate the voter's first choice, the next smallest his second, and so on, without regard to the figure or figures omitted.

Valid ballots.

(b) Each candidate shall be credited with one vote for every valid ballot that is sorted to him as first choice, or otherwise credited to him as hereinafter provided, and no ballot shall ever be credited to more than one candidate at the same time.

First choice ballots.

(c) A "quota" is the smallest number of votes which any candidate must receive in order to be assured of election without more candidates being elected than there are offices to be filled. It shall be determined by dividing the total number of valid ballots by one more than the total number of candidates to be elected and adding one to the result, disregarding fractions. Whenever at any stage of the counting the number of ballots credited to a candidate becomes equal to the quota, he shall be declared elected, and no ballots in excess of the quota shall be credited to him except as provided in rule (f) or (l) of this section.

"Quota" defined.

Ballots to be sorted according to first choices.

(d) The ballots shall be sorted according to the first choices marked on them, the ballots from each polling place being handled together, and those from different polling places being handled in the order of polling places determined under the provisions of section eight.

Disposition of extra first choice ballots.

(e) If a candidate is elected while the ballots are being sorted according to first choices, any subsequent ballots which show him as first choice shall each be credited to the second choice marked on it, or, if the second choice also has been elected, to the next choice marked on it for a candidate not yet elected.

Treatment of ballots marked only for elected candidate.

(f) If during the first sorting of ballots, ballots are found which are marked for a candidate already elected as first choice, but show no clear choice for any unelected candidate, such ballots shall at the end of the sorting be given to the candidate of their first choice, and in their place an equal number, as nearly as possible, of the last ballots sorted to that candidate which show a clear choice for unelected candidates, all as determined by the director of the count, shall be taken and re-sorted to unelected candidates as if they were then being sorted for the first time.

Announcement of defeated candidates.

(g) When all the ballots have been thus sorted and credited to the first available choices marked on them, every candidate who is credited with fewer ballots than the number of signatures required for his nomination shall be declared defeated.

"Continuing candidate" defined.

(h) All the ballots of the candidates thus defeated shall be transferred, each to the candidate indicated on it as next choice among the continuing candidates. A "continuing candidate" is a candidate not as yet either elected or defeated. Any ballot taken for transfer which does not clearly indicate any candidate as next choice among the continuing candidates shall be set aside as "exhausted".

Defeat of candidate.

(i) When all the ballots of the candidates thus defeated have been transferred, the one candidate who is then lowest on the poll shall be declared defeated and all his ballots transferred in the same way.

Successive defeats and transfers of ballots.

(j) Thereupon the candidate who is then lowest shall be declared defeated and all his ballots similarly transferred; and in like manner candidates shall be declared defeated one at a time and all their ballots transferred.

Decision of ties.

(k) If, when a candidate is to be declared defeated, two or more candidates are tied at the bottom of the poll, that one of the tied candidates shall be declared defeated who was credited with fewest ballots immediately prior to the last transfer of ballots. If two or more of the tied candidates were tied at that stage of the count, also, the second tie shall be decided by referring similarly to the standing of candidates immediately prior to the last transfer of ballots before that. This principle shall be applied successively as many times as may be necessary, a tie shown at any stage of the count being decided by referring to the standing of the tied candidates immediately prior to the

last preceding transfer of ballots. Any tie not otherwise provided for shall be decided by lot.

In interpreting this and other rules contained in this section the transfer of all ballots from candidates defeated together under rule (g) of this section, and the transfer of all ballots from each candidate defeated thereafter shall each constitute a single separate transfer.

(l) Whenever candidates to the number to be elected have received the quota, any transfer of ballots in progress when the last quota was reached shall be completed, but immediately thereafter all continuing candidates shall be declared defeated and the election shall be at an end. Whenever all ballots of all defeated candidates have been transferred, and it is impossible to defeat another candidate without reducing the continuing candidates below the number still to be elected, all the continuing candidates shall be declared elected and the election shall be at an end. End of election.

(m) A record of the count shall be kept in such form as to show, after each sorting or transfer of ballots, the number thereby credited to each candidate, the number thereby set aside as exhausted, the total for each candidate, the total set aside as exhausted, and the total number of valid ballots found by adding the totals of all candidates and the total set aside as exhausted. Record of count.

(n) Every ballot that is transferred from one candidate to another shall be stamped or marked so that its entire course from candidate to candidate can be conveniently traced. Record of treatment of ballot.

(o) If at any time after the first sorting of the ballots a ballot is found to have been credited to the wrong candidate, it may be transferred, as part of the transfer that is in progress, to the continuing candidate, if any, to whom it should have been credited at the time the error was made, or, if it should previously have become exhausted, may be set aside as exhausted as part of the transfer that is in progress; provided, that if the number of misplaced ballots found is sufficient to make it possible that any candidate has been wrongly defeated, so much of the sorting and transferring as may be required to correct the error shall be done over again before the count proceeds. Correction of errors.

If in correcting an error any ballots are re-sorted or re-transferred, every ballot shall be made to take the same course that it took in the original count unless the correction of an error requires its taking a different course. The principles of the rules of this section shall apply also to any recount which may be made after the original count has been completed.

(p) The director of the count and his assistants shall proceed with reasonable expedition in the counting of the ballots, but may take recesses at the discretion of the director. The city or town clerk shall make proper provision for the safekeeping of the ballots while the counting is not in progress. Recess for counting staff.

Candidates
and others
entitled to
be present.

(q) The candidates, their witnesses, alternate witnesses and representatives accredited under section seven, representatives of the press, and, as far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public shall be afforded every facility for being present and witnessing the counting and transferring of the ballots.

Boards of
review.

(r) Each of the candidates entitled to appoint witnesses of the central count as provided in section seven shall be entitled to appoint a member of a board of review of the central count. Such appointment shall be made within the time and in the manner prescribed for the appointment of such witnesses of the central count. In the central counting place a board of review so constituted shall be given facilities for examining all the ballots in the quota of each elected candidate in order to make sure that all the ballots of such quota are rightfully credited to the candidate toward whose election they have been counted, that the number of ballots therein is actually equal to the quota prescribed in this section, and that "exhausted" ballots have been properly so designated. Any errors discovered by such a board of review shall be reported to the director of the count.

(s) When the election with respect to any particular body or office is at an end the director of the count shall publicly announce the result of the vote for such body or office. The provisions of section one hundred and seven of chapter fifty-four relative to presiding officers and other election officers at polling places shall, so far as apt, apply to the director of the count and his assistants with respect to all ballots, records, copies of records, envelopes and ballot boxes, transmitted to the central counting place under section eight and to all other papers, records and apparatus used in counting the votes at the central counting place, except that ballots cast for a particular body or office, as well as those spoiled and returned and those not given out, shall be enclosed, and the envelopes sealed and delivered or transmitted to the city or town clerk as soon as may be after the public announcement of the result of the vote for such body or office.

City or town
clerk to pre-
serve ballots.

Section 10. The ballots cast at each election by proportional representation or preferential voting shall be preserved by the city or town clerk until the term of office of the members of the body or of the officer elected thereby has expired, and shall be available for examination continuously throughout the business day, under supervision of the city or town clerk, on written application signed by not less than one hundred voters of the city or town and the payment of a fee of twenty-five dollars for each day on which such inspection is held. Such application shall name not more than three representatives of the applicants to make such examination.

Section 11. Within thirty days after an election to elect members of a body by proportional representation or an officer by preferential voting, the city or town clerk shall cause the ballots cast for such body or office to be examined and shall publish a statement showing —

Examination
and report
on count
of ballots.

(a) The number of first-choice ballots cast for each candidate at each polling place.

(b) The number of ballots from each polling place finally counted for each of the elected candidates.

(c) The number of the exhausted ballots from each polling place which showed one or more choices for elected candidates and the number which did not show any such choice.

(d) The number of blank ballots cast for each body or office at each polling place.

(e) The number of ballots otherwise invalid cast for each body or office at each polling place.

(f) The number of first choices, second choices, third choices, and so on, used in the election of each of the elected candidates.

(g) Such other information in regard to the ballots as the city or town clerk may deem of interest.

A copy of such statement shall be kept on file in the office of the city or town clerk open to public inspection.

Section 12. Partial or complete recounts of the ballots cast for any body or office in an election by proportional representation or by preferential voting shall take place in the manner provided in sections one hundred and thirty-four to one hundred and thirty-seven, inclusive, of said chapter fifty-four, except that any petition shall be submitted on or before five o'clock in the afternoon of the third day following the public announcement by the director of the count of the result of the vote for such body or office and shall be on a form approved and furnished by the city or town clerk and be signed in a town by ten or more voters of such town, in a city, except Boston, by fifty or more voters of such city and in Boston by two hundred and fifty or more voters of said Boston and except that any such recount in any city or in any town divided into precincts shall be conducted for the entire city or town instead of for specified precincts. If a partial or complete recount of the ballots cast in such an election shall in fact take place, it shall be conducted according to the rules prescribed for the original count as nearly as is practicable.

Recounts.

Section 13. When a vacancy occurs in an elective body whose members were elected by proportional representation, such vacancy shall be filled for the remainder of the unexpired term by a public recount of the ballots credited at the end of the original count to the candidate elected thereby whose place has become vacant. Except for the following special rules, the provisions governing the original count shall be in effect:

Recounts to
fill vacancies.

(a) All choices marked for candidates theretofore elected or who have become ineligible or have withdrawn shall be disregarded.

(b) The ballots shall be sorted each to the earliest choice marked on it for any of the eligible candidates.

(c) If any candidate has to his credit more than half of the ballots which show any preference among the eligible candidates he shall be declared elected to the vacant place.

(d) If no candidate receives more than half of such ballots, the candidates lowest on the poll shall be declared defeated one after another and after each candidate is defeated his ballots shall be transferred among the continuing candidates.

(e) The process hereinbefore provided shall be continued until one candidate is credited with more ballots than all the other undefeated candidates together, when he shall be declared elected to the vacant place.

If a vacancy in an elective body occurs for which no regularly nominated candidate remains it shall be filled for the unexpired term by a majority vote of the remaining members; and if but a single member remains or if a majority vote of the remaining members is not obtained within thirty days after the vacancy occurs, it shall be filled by a special election, in the case of a single vacancy, by preferential voting or, in case two or more vacancies exist at the same time, by proportional representation.

Method of
counting
ballots under
preferential
voting.

Section 14. Ballots cast under preferential voting shall be counted in the central counting place under the supervision of the director of the count, in accordance with the following rules:—

(a) The ballots shall first be sorted according to the first choices marked on them, and the total number of valid ballots thus sorted to each candidate shall be ascertained. The validity of ballots shall be determined according to the principles laid down for the count of ballots in an election by proportional representation in rule (a) of section nine.

(b) If any candidate is found to have been marked as first choice on more than half of the valid ballots he shall be declared elected.

(c) If no candidate is so elected after the count of first choices, every candidate who is credited with fewer ballots than the number of signatures required for his nomination shall be declared defeated.

(d) All the ballots of the candidates so defeated shall be transferred, each to the candidate indicated on it as next choice among the undefeated candidates. Any ballot taken for transfer which does not clearly indicate any candidate as next choice among the undefeated candidates shall be set aside as "exhausted".

(e) If, after this or any subsequent transfer of ballots, one candidate is credited with more than half of the valid ballots which have not become exhausted, he shall be declared elected.

(f) If no candidate is so elected after the transfer of the ballots of candidates defeated under rule (c), the one candidate who is then lowest on the poll shall be declared defeated and all his ballots transferred in the same way.

(g) Thereupon, if no candidate is yet elected, the candidate who is then lowest shall be declared defeated and all his ballots similarly transferred. Thus candidates shall be deemed defeated one at a time, and all their ballots transferred until some candidate has received the necessary majority of the ballots which have not become exhausted and is accordingly declared elected.

(h) Ties shall be decided, a record of the count kept, errors corrected, recesses taken, and candidates and others permitted to be present according to the principles prescribed for elections by proportional representation in rules (k), (m), (o), (p) and (q) of section nine.

Section 15. All provisions of law from time to time applicable in the case of a vacancy in an elective office shall continue to apply after the filling of such office by preferential voting, except that any election to fill such vacancy shall also be by preferential voting. Application of certain laws.

Section 16. (a) In conducting any election by proportional representation or preferential voting, mechanical or other devices may be used, subject, however, to the provisions of sections thirty-two to thirty-nine, inclusive, of chapter fifty-four, if the city council or the town passes a vote providing expressly that such devices shall be used in such election; and said sections, so far as apt, shall be applicable in all respects in case of such devices so used. In case such devices are to be used in any city or town, the city or town clerk may modify the form of ballot, the rotation of names thereon, the directions to voters and other details in respect to the election process; provided, that no change shall be made which will alter or impair the principles of voting or counting the ballots governing elections by proportional representation or preferential voting, as the case may be, but the voter may be limited to not less than fifteen choices for any particular body or office. Same subject.

(b) In any city or town where elections by proportional representation are to be held, any method of counting the voters' first choices and treating any such choices in excess of the quota, provided for under any system of proportional representation which on January first, nineteen hundred and thirty-eight was in effect for the purpose of municipal elections in any city of the United States, may be substituted for the method of counting such choices set forth in this chapter, if the registrars of voters determine that such substitution is advisable; provided, that they issue regulations embodying the method so substituted and provided, further, that such regulations shall not be effective with respect to any election unless at least thirty days prior thereto copies of such regulations are available for delivery to such of the voters as may request them.

Certain laws
to apply.

Section 17. All elections by proportional representation or preferential voting held in any city or town under this chapter shall be subject to all general laws relating to elections and corrupt practices, so far as applicable and not inconsistent with this chapter.

G. L. (Ter.
Ed.), 41, § 1,
etc., amended.

SECTION 2. Section one of chapter forty-one of the General Laws, as amended, is hereby further amended by adding at the end the following new paragraph:—

Term of office
of members of
certain boards
under propor-
tional method
of voting.

The provisions of this section or any of the following sections of this chapter which authorize or require the fixing of the terms of office of members of any board, commission or body in such a manner that all such terms would not expire at the same time shall not apply with respect to such board, commission or body after the town has voted under section two of chapter fifty-four A to elect the members thereof by the proportional representation method of election.

G. L. (Ter.
Ed.), 41, § 11,
amended.

SECTION 3. Section eleven of chapter forty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word “members” the first time it appears in the fifth line the words:—, except a board whose members have been elected by proportional representation under chapter fifty-four A,— so as to read as follows:— *Section 11.* If there is a failure to elect, or if a vacancy occurs in any town office, other than the offices of selectmen, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof to the selectmen, who, with the remaining member or members of such board shall, after one week’s notice, fill such vacancy by ballot. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall perform the duties of the office until the next annual meeting or until another is qualified.

Appointment
to fill vacan-
cies in town
offices.

G. L. (Ter.
Ed.), 50, § 2,
etc., amended.

SECTION 4. Section two of chapter fifty of the General Laws, as amended by section one of chapter one hundred and forty-one of the acts of nineteen hundred and thirty-two, is hereby further amended by adding at the end the following new sentence:— Nothing herein shall derogate from the provisions of chapter fifty-four A.

Results of
election.

G. L. (Ter.
Ed.), 53, § 7,
etc., amended.

SECTION 5. Section seven of chapter fifty-three of the General Laws, as amended, and as affected by chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word “and” the second time it occurs in the eighth line, as appearing in section one of chapter four of the acts of nineteen hundred and thirty-six, the words:—, except as provided in section three of chapter fifty-four A,— and by striking out the second sentence, so as to

read as follows:— *Section 7.* Every voter signing a nomination paper shall sign in person, with his name as registered, and shall state his residence on January first preceding, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing or who had the right to vote on May first, eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and, except as provided in section three of chapter fifty-four A, every voter may sign as many nomination papers for each office as there are persons to be elected thereto, and no more. Every nomination paper of a candidate for a state office and, except where otherwise provided by law, of a candidate for a city or town office, shall be submitted, on or before five o'clock in the afternoon of the seventh day preceding the day on which it must be filed, to the registrars of the city or town where the signers appear to be voters. In each case the registrars shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made, and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination. The registrars need not certify a greater number of names than are required to make a nomination, increased by one fifth thereof. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The state secretary shall not be required to receive nomination papers for a candidate after receiving such papers containing a sufficient number of certified names to make a nomination, increased by one fifth thereof.

Nomination
papers.

SECTION 6. Section eleven of chapter fifty-four of the General Laws, as most recently amended by chapter twenty-seven of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "votes" in the twelfth line the words:— or to serve at any election, at which the members of any body or board are to be chosen by proportional representation or any officer is to be chosen by preferential voting, — so as to read as follows:— *Section 11.* The mayor of every city, except where city charters provide otherwise and except as provided in section eleven A, shall annually not earlier than June fifteenth nor later than August fifteenth appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be enrolled voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition, and such additional inspectors to count and tabulate the votes or to serve at any election, at which the members of any body or board are to be chosen by proportional representation or any officer

G. L. (Ter.
Ed.), 54, § 11,
etc., amended.

Election
officers.

is to be chosen by preferential voting, as he may deem necessary. Every such appointment shall be filed in the office of the city clerk of such city within forty-eight hours after it is made, and shall be acted on by the aldermen not less than three days after the filing of such appointment and on or before September first following. After said September first, the mayor, with the approval of the aldermen, may, from time to time, appoint temporary additional inspectors to count and tabulate the votes. Any appointment made under authority of this section shall be open to public inspection.

G. L. (Ter. Ed.), 54, § 105, amended.

SECTION 7. Section one hundred and five of said chapter fifty-four, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "towns" in the thirty-fourth line the following:—, except at town elections where members of boards or officers are to be elected under the provisions of chapter fifty-four A, — so that the fourth paragraph will read as follows:—

Proceedings at close of polls.

In towns, except at town elections where members of boards or officers are to be elected under the provisions of chapter fifty-four A, the ballot box at any polling place may be opened and ballots taken therefrom for counting when all the selectmen and the town clerk, or, where the moderator is in charge of the election, the moderator and the town clerk, or all the election officers at the voting precinct shall so order. When the ballots have been thus removed the presiding officer shall select from the election officers an equal number from each of the two leading political parties, who shall canvass such ballots, in accordance with this section; but no announcement of the result of such canvass shall be made by any election officer until the total result of the canvass of ballots has been ascertained.

G. L. (Ter. Ed.), 56, § 22, amended.

Failure to comply with laws relating to disposition of ballots, etc.

Penalty.

SECTION 8. Chapter fifty-six of the General Laws is hereby amended by striking out section twenty-two, as so appearing, and inserting in place thereof the following:— *Section 22.* A primary or election officer, or a director of the count or assistant appointed under section six of chapter fifty-four A, who wilfully or negligently violates any provision relating to the enclosing in envelopes, sealing, endorsing and delivering or transmitting of ballots and voting lists, before or after the votes have been counted and recorded, shall be punished by imprisonment for not more than one year.

G. L. (Ter. Ed.), 56, § 28, amended.

General penalty on election officer.

SECTION 9. Section twenty-eight of said chapter fifty-six, as so appearing, is hereby amended by inserting after the word "officer" the second time it occurs in the first line the words:—, director of the count or assistant appointed under section six of chapter fifty-four A, — so as to read as follows:— *Section 28.* A public officer, primary, caucus or election officer, director of the count or assistant appointed under section six of chapter fifty-four A, or officer or member of a political committee or convention, upon whom a duty is imposed by law, who refuses or wilfully fails to per-

form such duty, or who wilfully performs it contrary to law, shall, if no other penalty is specifically provided, be punished by a fine of not less than five nor more than one thousand dollars, or by imprisonment for not more than one year, or both.

SECTION 10. Section forty of said chapter fifty-six, as so appearing, is hereby amended by inserting after the word "officer" in the second line the words: — or director of the count, — and by inserting after the word "place" in the third line the words: — , or from the central counting place, — so as to read as follows: — *Section 40.* Whoever, at a primary, caucus or election, behaves in a disorderly manner, and, after notice from the presiding officer or director of the count, persists in such behavior and refuses to withdraw from the polling place, or from the central counting place, shall be punished by imprisonment for not more than one month.

G. L. (Ter. Ed.), 56, § 40, amended.

Disorderly conduct at polling places.

SECTION 11. Section forty-four of said chapter fifty-six, as so appearing, is hereby amended by striking out, in the second and third lines, the words "or election officer" and inserting in place thereof the words: — election officer, or director of the count or assistant appointed under section six of chapter fifty-four A, — so as to read as follows: — *Section 44.* Whoever interferes, or aids or abets any person in interfering with an election commissioner, city or town clerk, election officer, or director of the count or assistant appointed under section six of chapter fifty-four A, in the performance of his duties shall be punished by imprisonment for not more than one year.

G. L. (Ter. Ed.), 56, § 44, amended.

Interference with election officer.

Penalty.

SECTION 12. Section forty-five of said chapter fifty-six, as so appearing, is hereby amended by inserting after the word "place" in the second line the words: — or a central counting place, — so as to read as follows: — *Section 45.* Whoever wilfully obstructs or interferes with the transmission of ballots or returns to or from a polling place or a central counting place shall be punished by imprisonment for not more than one year.

G. L. (Ter. Ed.), 56, § 45, amended.

Obstructing transmission of ballots or returns.

Approved May 19, 1938.

AN ACT FURTHER REGULATING THE APPOINTMENT OF PERSONS TO THE POLICE FORCES OR DEPARTMENTS OF CITIES, TOWNS AND DISTRICTS.

Chap. 342

Be it enacted, etc., as follows:

Chapter forty-one of the General Laws is hereby amended by inserting after section ninety-six, as appearing in the Tercentenary Edition, the following new section: — *Section 96A.* No person who has been convicted of any felony shall be appointed as a police officer of a city, town or district.

G. L. (Ter. Ed.), 41, new section 96A, added.

Certain persons not to be appointed police officers.

Approved May 19, 1938.

*Chap.*343 AN ACT TO FURTHER REGULATE THE ATTACHMENT OF WAGES
FOR PERSONAL LABOR AND SERVICES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 246, § 32,
amended.

Section thirty-two of chapter two hundred and forty-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following paragraph:—

Attachment
of wages by
trustee process.

Eighth, By reason of money or credits due for the wages of personal labor or services of the defendant, unless such attachment is authorized in advance by written permission endorsed upon the writ and signed by a justice, associate justice or special justice of the court in which the action is commenced.

Approved May 19, 1938.

*Chap.*344 AN ACT RELATIVE TO THE LISTING OF VOTERS IN THE CITY
OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter one hundred and six of the General Acts of nineteen hundred and seventeen is hereby amended by striking out the first sentence and inserting in place thereof the following:— There is hereby established in the city of Chelsea a listing board, hereinafter called the board, composed of the chief of police and the registrars of voters of said city.

SECTION 2. Section nine of said chapter one hundred and six, as most recently amended by sections one and two of chapter eighty-four of the acts of nineteen hundred and twenty-one, is hereby further amended by striking out the last paragraph and inserting in place thereof the following:—

The board, upon the personal application of a person listed for the correction of any error in its lists, or whenever informed of any such error, shall make due investigation, and upon proof thereof correct the same on its lists, and shall immediately notify the assessors of such correction, and said assessors shall correct their lists accordingly. The board shall cause all applications and affidavits received by it under this section to be preserved for two years.

SECTION 3. Said chapter one hundred and six is hereby further amended by striking out section ten, as most recently amended by said section one of said chapter eighty-four, and inserting in place thereof the following:— *Section 10.* The board shall, on or before the eighteenth day of April in each year, transmit to the assessors certified lists taken from the lists prepared as provided in the preceding section, containing the name, age, occupation, nationality, if not a citizen of the United States, and residence, on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said city,

and shall promptly transmit to the assessors notice of every addition to and correction in the lists made by it. For the purpose of assessing poll taxes, the assessors may use the lists furnished to them by the board, or such parts thereof as they may deem advisable. The board shall furnish all information in its possession necessary to aid the assessors in the performance of their duties.

SECTION 4. Said chapter one hundred and six is hereby further amended by striking out section eleven and inserting in place thereof the following: — *Section 11.* The board shall, on or before the first day of June in each year, prepare printed copies of the lists prepared under the preceding section. The board shall print such lists in pamphlet form by precincts, deliver to the assessors as many copies thereof as they may require, and hold the remaining copies for public distribution.

SECTION 5. Said chapter one hundred and six is hereby further amended by striking out section twelve, as most recently amended by said section one of said chapter eighty-four, and inserting in place thereof the following: — *Section 12.* If a person, twenty years of age or upward, resident in Chelsea on the first day of January, was not listed by the board, he shall, in order to establish his right to be listed, appear before the board of registrars of voters at such time as it may designate, the members of which are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving his name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the current year, and his residence on the first day of January in the preceding year.

A person, twenty years of age or upward, who becomes a resident of said city after the first day of January, and desires to be listed, shall appear before any member of the board of registrars of voters, each of whom is hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he became a resident of said city at least six months immediately preceding the election at which he claims the right to vote, giving his name, age, occupation, nationality, if not a citizen of the United States, and residence, on the date when he became a resident of said city, and his residence on the first day of January in the preceding year.

If the board of registrars of voters, after investigation, is satisfied that such statements are true, it shall give the applicant a certificate that he was a resident of said city on said first day of January, or a certificate that he became a resident at least six months immediately preceding the election, as the case may be, which certificate shall state his name, age, occupation, nationality, if not a citizen of the United States, and residence, on the first day of January in the current year or on the above date, as the case may

be, and his residence on the first day of January in the preceding year; but no such application shall be received between the thirtieth day preceding, and the day following, a state or a municipal election, and no such person shall be listed or be given such certificate between the twenty-first day preceding, and the day following, such an election. The board shall also forthwith transmit to the assessors the names of all persons receiving such certificates, together with their residence on the first day of January in the current and in the preceding year.

In every place where oaths are administered for the purpose of listing, the board of registrars of voters shall post in a conspicuous place a copy of section seven of chapter fifty-six of the General Laws, printed on white paper with black ink, in type not less than one quarter of an inch wide.

SECTION 6. Said chapter one hundred and six is hereby further amended by striking out section thirteen and inserting in place thereof the following: — *Section 13.* The board of registrars of voters shall enter the date of application, the name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every such applicant, as above provided, together with the result of its investigation of his application in a book provided for that purpose, which shall be open for public inspection. The board shall cause to be printed in a newspaper published in Chelsea the name and residence of every such applicant. The names and residences of the applicants shall be printed by wards and precincts within two days after the number of names of applicants, not printed, reaches fifty; and shall include the names of all such applicants received up to the close of business for this purpose in the office of the board on the day when said number is reached.

SECTION 7. Section fourteen of said chapter one hundred and six is hereby amended by striking out, in the first line, the word "assessors" and inserting in place thereof the words: — registrars of voters, — so as to read as follows: — *Section 14.* The board of registrars of voters shall keep its office open during such hours as shall be necessary to carry out the provisions of the preceding two sections.

SECTION 8. This act shall take effect on the thirty-first day of December in the current year.

Approved May 19, 1938.

Chap. 345 AN ACT INCORPORATING THE STATE LABOR RELATIONS ACT
AS AN ADDITION TO THE GENERAL LAWS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 23, new
sections 90-9R,

SECTION 1. Chapter twenty-three of the General Laws is hereby amended by inserting after section nine N, in-

serted by section four of chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-five, the following four new sections, under the heading: —

LABOR RELATIONS COMMISSION.

Section 90. (a) There shall be in the department, but in no respect subject to the jurisdiction thereof, a commission to be known as the Labor Relations Commission, in this and the three following sections referred to as the commission, which shall be composed of three members who shall be appointed by the governor, by and with the advice and consent of the executive council. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. Any vacancy in the commission shall be filled by appointment in like manner. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

Appointment,
terms of
members.

Vacancies,
how filled.

(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and two members of the commission shall at all times constitute a quorum. The commission shall have an official seal which shall be judicially noticed.

Quorum.

(c) The commission shall at the close of each fiscal year make a report in writing to the general court stating in detail the cases it has heard, the decisions it has rendered, the names, salaries and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

Annual
report.

Section 9P. Each member of the commission shall receive a salary of six thousand dollars a year, shall be eligible for reappointment, and shall not engage in any other business, vocation or employment. The commission shall appoint an executive secretary, and such attorneys, examiners and regional directors and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by the general court, except that the executive secretary and such attorneys, examiners and regional directors shall not be subject to the provisions of chapter thirty-one. The commission may establish or utilize such regional, local or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the commission, appear for and represent the commission in any case in court. Nothing in this chapter shall be construed to authorize the commission to appoint individuals for the purpose of conciliation or mediation or for statistical work, where such service may be obtained from the department of labor and industries.

Salaries.

Appointment
of employ-
ees, etc.

Principal office to be in Boston.

Section 9Q. The principal office of the commission shall be in the city of Boston, but it may meet and exercise any or all of its powers at any other place. The commission may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the commonwealth. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the commission in the same case.

Rules and regulations.

Section 9R. The commission shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of sections nine O to nine Q, inclusive, and chapter one hundred and fifty A. Such rules and regulations shall be effective upon publication in the manner in which the commission shall prescribe.

G. L. (Ter. Ed.), 150A, inserted.

SECTION 2. The General Laws are hereby amended by inserting after chapter one hundred and fifty the following new chapter:—

CHAPTER 150A.

LABOR RELATIONS.

Declaration of legislative intent in respect to industrial disputes.

Section 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing industry and trade by (a) impairing the efficiency, safety or operation of the instrumentalities of industry and trade; (b) occurring in the current of industry and trade; (c) materially affecting, restraining or controlling the flow of raw materials or manufactured or processed goods, or the prices of such materials or goods; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for such goods in industry or trade.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects industry and trade, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards industry and trade from injury, impairment or interruption, and promotes the flow of industry and trade by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as

to wages, hours or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the commonwealth to eliminate the causes of certain substantial obstructions to the free flow of industry and trade and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Section 2. When used in this chapter —

(1) The term “person” includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers. Definitions.

(2) The term “employer” includes any person acting in the interest of an employer, directly or indirectly, but shall not include the commonwealth or political subdivision thereof, or any labor organization (other than when acting as an employer), or any one acting in the capacity of officer or agent of such labor organization.

(3) The term “employee” shall include any employee, and shall not be limited to the employees of a particular employer, unless the chapter explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term “representatives” includes any individual or labor organization.

(5) The term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term “unfair labor practice” means any unfair labor practice listed in section four.

(7) The term “labor dispute” includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employee.

(8) The term “commission” means the labor relations commission existing under section nine O of chapter twenty-three.

Right to
organize.

Section 3. Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Unfair labor
practice
defined.

Section 4. It shall be an unfair labor practice for an employer —

(1) To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in section three.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it; provided, that, subject to rules and regulations made and published by the commission pursuant to section nine R of chapter twenty-three, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any labor organization; provided, that nothing in this chapter shall preclude an employer from making an agreement with a labor organization (not established, maintained or assisted by any action defined in this chapter as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in subsection (a) of section five, in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of subsection (a) of section five.

Sit down
strike unfair
labor practice.

Section 4A. It shall be an unfair labor practice for any person or labor organization to seize or occupy unlawfully private property as a means of forcing settlement of a labor dispute.

Representa-
tives for
collective
bargaining.

Section 5. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment; provided, that any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

Commission
to determine
proper bar-
gaining unit.

(b) The commission shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this chapter, the unit ap-

propriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting industry and trade arises concerning the representation of employees, the commission may investigate such controversy and certify to the parties, in writing, the name or names of the representatives who have been designated or selected. In any such investigation, the commission shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under section six or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain such representatives. Investigations.

(d) Whenever an order of the commission made pursuant to subsection (c) of section six is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsection (e) or (f) of section six and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the commission shall be made and entered upon the pleadings, testimony and proceedings set forth in such transcript. Orders of commission, review, etc.

Section 6. (a) The commission is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice listed in section four affecting industry and trade. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise. Commission may prevent unfair labor practice.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the commission, or any agent or agency designated by the commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the commission or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent or agency conducting the hearing or the commission in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the commission, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling. Complaints.

Testimony,
findings,
orders.

(c) The testimony taken by such member, agent or agency or the commission shall be reduced to writing and filed with the commission. Thereafter, in its discretion, the commission upon notice may take further testimony or hear argument. If upon all the testimony taken the commission shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter. Such order may further require such person to make reports from time to time showing the extent to which he has complied with the order. If upon all the testimony taken, the commission shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the commission shall state its findings of fact and shall issue an order dismissing the said complaint.

Modification,
etc., of orders.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

Petition to
enforce
orders.

(e) The commission shall have power to petition the superior court in any county wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the commission. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the commission as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the

hearing before the commission, its member, agent or agency, the court may order such additional evidence to be taken before the commission, its member, agent or agency, and to be made a part of the transcript. The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the supreme judicial court for the commonwealth.

(f) Any person aggrieved by a final order of the commission granting or denying in whole or in part the relief sought may obtain a review of such order in the superior court for the county wherein the unfair labor practice in question was alleged to have been engaged in, or wherein such person resides or transacts business, by filing in such court a written petition praying that the order of the commission be modified or set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the commission, including the pleading and testimony upon which the order complained of was entered and the findings and order of the commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the commission under subsection (e) of this section, and shall have the same exclusive jurisdiction to grant to the commission such temporary relief or restraining order as the court deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission; and the findings of the commission as to the facts, if supported by evidence, shall in like manner be conclusive.

Appeal to
courts on
orders of
commission.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the commission's order.

Stay of
order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by section twenty C of chapter one hundred and forty-nine; sections one, nine and nine A of chapter two hundred and fourteen; and sections thirteen A and thirteen B of chapter two hundred and twenty.

Power of
courts in
certain cases.

(i) Petitions filed under this chapter shall be heard expeditiously, and if possible within ten days after they have been docketed.

Speedy
hearing.

Section 7. For the purpose of all hearings and investigations which, in the opinion of the commission, are necessary

Hearings and
investigations.

and proper for the exercise of the powers vested in it by sections five and six —

Attendance
of wit-
nesses, etc.

(1) The commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the commission, its member, agent or agency conducting the hearing or investigation. Any member of the commission, or any agent or agency designated by the commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the commonwealth, at any designated place of hearing.

Upon petition
court may
require testi-
mony to be
given to
commission.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, the superior court within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission shall have jurisdiction to issue to such person an order requiring such person to appear before the commission, its member, agent or agency, there to produce evidence if so ordered, or there to give testimony, touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Protection of
witnesses
required to
testify.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Service of
papers.

(4) Complaints, orders and other process and papers of the commission, its member, agent or agency may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of service of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as afore-

said shall be proof of service of the same. Witnesses summoned before the commission, its member, agent or agency shall be paid the same fees and mileage that are paid witnesses in civil cases before the courts of the commonwealth, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the commonwealth.

(5) All process of any court to which application may be made under this chapter may be served in the judicial district wherein the defendant or other person required to be served resides or may be found. Same subject.

(6) The several departments and agencies of the commonwealth, when directed by the governor, shall furnish the commission, upon its request, all records, papers and information in their possession relating to any matter before the commission. State department to furnish data, etc.

Section 8. Any person who shall wilfully resist, prevent, impede or interfere with any member of the commission or any of its agents or agencies in the performance of duties pursuant to this chapter shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both. Penalty.

Section 9. Nothing in this chapter shall be construed so as to interfere with or impede or diminish in any way the right to strike. Effect of chapter.

Section 10. (a) Wherever the application of the provisions of any other law of this commonwealth conflicts with the application of the provisions of this chapter, this chapter shall prevail. Limitation of chapter.

(b) This chapter shall not be deemed applicable to any unfair labor practice subject to the National Labor Relations Act.

Section 11. If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. Constitutionality.

Section 12. This chapter may be cited as the "State Labor Relations Law". How cited.

SECTION 3. Chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-seven is hereby repealed. Repeal of earlier act.

SECTION 4. This act is enacted for the sole purpose of incorporating the provisions of said chapter four hundred and thirty-six as additions to the General Laws and is to be construed as a continuation of said provisions and not as a new enactment. Act not to be construed as new enactment.

Approved May 19, 1938.

Chap. 346

AN ACT RELATIVE TO POLITICAL COMMITTEES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 52,
stricken out,
and new chap-
ter inserted.

SECTION 1. The General Laws are hereby amended by striking out chapter fifty-two, as amended, and inserting in place thereof the following: —

CHAPTER 52.

POLITICAL COMMITTEES.

State com-
mittees,
election.

Section 1. Each political party shall, in the manner herein provided, elect from among its enrolled members a state committee, which shall consist of one man and one woman from each senatorial district to be elected at the presidential primaries by plurality vote of the members of the party in the district, such number of members at large as may be fixed by said committee, to be elected at the state convention, and such number of members as may be elected by the state committee as hereinafter provided. Members of said committee elected at the presidential primaries from senatorial districts shall hold office for a period of four years from June first next following their election. Members elected at a state convention shall hold office until the next following state convention and members elected by the state committee shall hold office for two years from the date of their election; provided, however, that in no event shall the terms of office of such members extend beyond the term of office of members who were elected at the presidential primaries.

Term.

The members of the state committee elected at the presidential primaries shall within ten days after June first next following their election, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as they may decide to elect; provided, that the members of the committee shall first meet and organize temporarily by the choice of a temporary chairman and a temporary secretary who shall serve until a permanent chairman and a permanent secretary are chosen, and such committee, while temporarily organized or at any time after its permanent organization, may add to its membership.

The secretary of the state committee shall file with the state secretary, and send to each city and town committee, within ten days after such permanent organization, a list of the members of the state committee and of its officers, and, within ten days after each addition to its membership made subsequently to its permanent organization, a list of the members so added.

A vacancy in the office of chairman, secretary or treasurer of the state committee or in the membership thereof shall be filled by said committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

Section 2. Each political party shall, in every ward and town, elect at the presidential primaries from among the enrolled members of the party resident in such ward or town a committee to be called a ward or town committee, whose members shall hold office for four years from June first following their election and until their successors shall have organized. Ward and town committees.

Section 3. The members of the several ward committees of a political party in a city shall constitute the city committee.

Section 4. Each city, ward and town committee shall, within ten days after June first next following the election of its members, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as it may decide to elect. At such meeting a ward or town committee may add to its elected members; provided, that by so doing the total number of members shall not be made to exceed the number determined under section nine. A city committee may by vote at any meeting authorize the appointment of associate members by any ward committee; and a town committee may by vote appoint associate members. Associate members shall not have the right to vote but shall have such other powers and duties as the ward or town committee may determine. In case there is a failure of election of a ward or town committee, the city committee or the state committee, respectively, of the political party which said ward or town committee represents shall appoint from among the voters qualified therefor the members of such committee and shall call a meeting for its organization, in such call appointing a time for holding the same and naming a person to preside thereat. If a ward committee or a city or town committee fails to meet within the time prescribed by this section and organize, the city committee or the state committee, respectively, of the political party which such ward, city or town committee represents shall call a meeting for its organization, in such call appointing a time for holding the same and naming a person to preside thereat. In the event that a ward or town committee fails to meet at the time appointed as aforesaid and organize, the election of each of its members shall be void and the same proceedings shall be had as is herein provided in the case of a failure of election. Organization of local committees.

Procedure on failure to elect or organize.

Section 5. The secretary of each city, ward and town committee shall, within ten days after its organization, file with the state secretary, with the city or town clerk and with the secretary of the state committee of the political party which it represents, a list of the officers and members of the committee, together with the addresses of such officers. List of officers and members to be filed.

Within a like period after the appointment of associate members, said secretary shall likewise file a list of such associate members.

Vacancies.

Section 6. A vacancy in the office of chairman, secretary or treasurer of a city, ward or town committee or in the membership of a ward or town committee shall be filled by such committee, and a statement of any such change shall be filed as in the case of the officers and members first chosen.

Disposition of funds upon the redivision of a city into wards.

Section 7. Upon the redivision of a city into wards the treasurer of each ward committee of a ward affected by such redivision shall, before the termination of office of the members thereof, pay over to the treasurer of the city committee representing the same political party such funds of the ward committee as he has in his possession after paying all bills. In the statements required under section seventeen of chapter fifty-five, the treasurer of the ward committee making such payment shall report it as a disbursement and the treasurer of the city committee receiving it shall report it as a receipt.

Organization of existing committees.

Section 8. Each committee existing at the time when the party which it represents first polls for governor at a biennial state election three per cent of the entire vote cast in the commonwealth for that office, and each committee existing at the time when the party it represents first polls for mayor or a selectman at a city or town election at least three per cent of the entire vote cast in the city or town for that office, shall be deemed elected under this chapter, and shall be subject to its provisions.

Number of members of committees, etc., how fixed.

Section 9. The state committee shall fix the number of delegates to the state convention, not less than one for each ward and each town, to be elected at the biennial state primaries. City and town committees, respectively, shall fix the number of members of ward and town committees to be elected at the presidential primaries, not less than three nor more than thirty-five for each ward and each town. Notice of the number of delegates and committee members to be elected shall be given by the state, city or town committee, as the case may be, to the state secretary on or before February first of the year in which such persons are to be elected. In case a state committee fails to fix the number of said delegates, and to give notice thereof as aforesaid to the state secretary, the number to be elected shall be one for each ward and each town. In case a city or town committee fails to fix the number of the members of a ward or town committee and to give such notice, the number of members of such ward or town committee to be elected shall not exceed ten.

Committees may make rules, etc.

Section 10. A state, city or town committee may make rules and regulations consistent with law, for its proceedings, and a state committee may make rules and regulations, consistent with law, for calling conventions.

G. L. (Ter. Ed.), 53, § 54, etc., amended.

SECTION 2. Chapter fifty-three of the General Laws is hereby amended by striking out section fifty-four, as most

recently amended by section three of chapter twenty-four of the acts of nineteen hundred and thirty-seven, and the title immediately preceding it, and inserting in place thereof the following:—

STATE CONVENTIONS.

Section 54. A political party may, upon the call of its state committee, but not earlier than one week nor later than two weeks after the holding of the primaries, hold a state convention for the purpose of adopting a platform, electing such number of members at large of the state committee as may be fixed by it, nominating presidential electors, and for such other purposes consistent with law as the state committee or the convention may determine. Such convention shall consist of the delegates elected at the state primary, the members of the state committee, the United States senators from Massachusetts who are members of the party, the nominees of the party for all offices to be filled at the state election, and in years in which no elections are held for such offices, the incumbents of those offices who are members of the party.

State conventions of political parties.

SECTION 3. No members of state, ward and town committees shall be elected at the state primaries in the current year, notwithstanding any provision of law requiring such election. The terms of office of members of each state, city, ward and town committee in office on the effective date of this act, except members of the state committees elected at the state conventions in nineteen hundred and thirty-six, are hereby extended until the organization of the successor of such committee, whose members shall be elected at the presidential primaries to be held in the year nineteen hundred and forty.

Extension of terms of members of existing committees.

SECTION 4. The notice to the state secretary of the number of delegates to the state convention, required by section nine of chapter fifty-two of the General Laws, as appearing in section one of this act, shall in the current year be given not later than July first, and, if not so given, the number to be elected shall be one for each ward and each town.

Temporary provision.

Approved May 24, 1938.

AN ACT RELATIVE TO THE ESTABLISHMENT OF SALARIES OF CERTAIN COURT OFFICERS IN SUFFOLK COUNTY. *Chap. 347*

Be it enacted, etc., as follows:

SECTION 1. Section forty-nine of chapter thirty-five of the General Laws, as amended by section one of chapter one hundred and eighty-two of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the eleventh and twelfth lines, the words "and probation officers, but including the officers described in section seventy-three and the first sentence of section seventy-six of" and inserting in place thereof the words:—, court officers

G. L. (Ter. Ed.), 35, § 49, etc., amended.

appointed in Suffolk county under section seventy of chapter two hundred and twenty-one, and probation officers, but including the officer described in the first sentence of section seventy-six of said, — so as to read as follows:—

Section 49. Every office and position whereof the salary is wholly payable from the treasury of one or more counties, or from funds administered by and through county officials, except the offices of county commissioners and associate county commissioners, justices and special justices of the district courts, clerks and assistant clerks of the district courts other than the municipal court of the city of Boston, trial justices, other offices and positions filled by appointment of the governor with the advice and consent of the council, court officers appointed in Suffolk county under section seventy of chapter two hundred and twenty-one, and probation officers, but including the officer described in the first sentence of section seventy-six of said chapter two hundred and twenty-one, shall be classified by the board in the manner provided by sections forty-eight to fifty-six, inclusive, and every such office and position, now existing or hereafter established, shall be allocated by the board to its proper place in such classification. Offices and positions in the service of any department, board, school or hospital principally supported by the funds of the county or counties, or in the service of a hospital district established under sections seventy-eight to ninety-one, inclusive, of chapter one hundred and eleven, shall likewise be subject to classification as aforesaid. The word "salary", as used in this section, shall include compensation, however payable; but nothing in sections forty-eight to fifty-six, inclusive, and nothing done under authority thereof, shall prevent any person from continuing to receive from a county such compensation as is fixed under authority of other provisions of law or as is expressly established by law.

Classification
of certain
offices.

Salaries.

G. L. (Ter.
Ed.), 221, § 73,
etc., amended,
and new
section 73A,
added.

Salaries of
certain court
officers.

SECTION 2. Chapter two hundred and twenty-one of the General Laws is hereby amended by striking out section seventy-three, as amended by section two of chapter one hundred and eighty-two of the acts of nineteen hundred and thirty-five, and inserting in place thereof the two following sections:— *Section 73.* Each officer in attendance upon the superior court in Suffolk county who is appointed under section seventy shall receive from said county in full for all services performed by him such salary as shall be fixed by the justices of such court. Each officer in attendance upon the supreme judicial court in said county shall receive in full for all services performed by him such salary as shall be fixed by the justices of the superior court of which salary five hundred and twenty-eight dollars shall be paid by the commonwealth and the remainder by said county. The fixing of salaries hereunder shall be subject to section seventy-three A.

Salary
increases
regulated.

Section 73A. No increase in the rate of salary for any position of court officer in Suffolk county referred to in sec-

tion seventy-three shall be made under said section seventy-three if thereby the ratio between the salary for such position and the salary for a comparable position of court officer in any other county, after equal length of service, would be more favorable to such position of court officer in Suffolk county than was such ratio at the time this section takes effect.

SECTION 3. Salaries of court officers in Suffolk county referred to in this act in force on the effective date thereof shall continue in force until fixed by the justices of the superior court as provided by this act.

Operation
of act.

Approved May 24, 1938.

AN ACT RELATIVE TO THE APPOINTMENT OF KEEPERS OF PERSONAL PROPERTY IN CONNECTION WITH THE ATTACHMENT THEREOF. *Chap. 348*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty-three of the General Laws is hereby amended by striking out section forty-eight, as amended by chapter three hundred and eight of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 48.* An officer directed to make an attachment of personal property may, if the writ bears an endorsement signed by a justice, associate justice or special justice of the court in which the action is commenced and stating that, in his opinion, the appointment of a keeper is necessary, appoint a keeper of such property at or after the time of making such attachment. The officer, if necessary, may appoint a keeper of personal property which has been taken on execution. In either of the aforesaid cases he shall, upon the written request of the defendant, remove such property or the keeper without unreasonable delay. Costs in an action in which a keeper has been appointed shall be at the discretion of the court.

G. L. (Ter.
Ed.), 223, § 48,
etc., amended.

Keepers of
attached
personal
property.

SECTION 2. This act shall take effect on October first in the current year.

Effective
date.

Approved May 24, 1938.

AN ACT RELATIVE TO THE RETIREMENT ALLOWANCES OF CERTAIN WAR VETERANS FORMERLY EMPLOYED BY THE CITY OF FALL RIVER. *Chap. 349*

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River may increase the amount of the retirement allowances paid to John Walker, Robert Hindle and John W. Cummings to an amount equal to one half the compensation received by them respectively at the time of their retirement, said persons having been retired under chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-four, although

they were eligible for retirement under sections fifty-six to sixty, inclusive, of chapter thirty-two of the General Laws.

SECTION 2. Said city is hereby authorized to pay to each of said persons an amount equal to the difference between the retirement allowance already received from said city and the amounts which he would have received if he had been retired under said sections fifty-six to sixty, inclusive.

Approved May 24, 1938.

Chap.350 AN ACT ABOLISHING CAUSES OF ACTION FOR BREACH OF CONTRACT TO MARRY, WITH A VIEW TO PRESERVING THE MARRIAGE INSTITUTION AND PROTECTING THE PUBLIC MORALS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 207, new section 47A, added.

Breach of contract to marry not actionable.

Repeal.

Effective date.
Not to affect pending actions.

SECTION 1. Chapter two hundred and seven of the General Laws is hereby amended by inserting after section forty-seven, as appearing in the Tercentenary Edition, under the heading BREACH OF CONTRACT TO MARRY NOT ACTIONABLE, the following new section:— *Section 47A.* Breach of contract to marry shall not constitute an injury or wrong recognized by law, and no action, suit or proceeding shall be maintained therefor.

SECTION 2. Form number 8 in the schedule of forms appended to section one hundred and forty-seven of chapter two hundred and thirty-one of the General Laws is hereby repealed.

SECTION 3. This act shall become effective on September first of the current year, but shall not affect any action to recover damages for breach of contract to marry which shall have been commenced prior to said date, nor shall it affect any other cause of action to recover damages as aforesaid which shall have accrued prior to said date if action to recover the same is commenced prior to the expiration of ninety days after said date, nor shall it affect any cause of action accruing on or after said date to recover damages for breach of any contract to marry entered into prior to said date if action to recover the same is commenced prior to the expiration of ninety days after the accrual of the cause of action.

Approved May 24, 1938.

Chap.351 AN ACT FURTHER REGULATING THE CONTENTS OF NOTICES OF INTENTION NOT TO RENEW MOTOR VEHICLE LIABILITY POLICIES OR BONDS, SO CALLED, IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 113F, etc., amended.

Section one hundred and thirteen F of chapter one hundred and seventy-five of the General Laws, inserted by chapter three hundred and ninety of the acts of nineteen hundred and thirty-seven, is hereby amended by inserting after the word "commissioner" in the twentieth line the

following:— and shall include the following statement: “This notice shall not be deemed a refusal under section one hundred and thirteen D of chapter one hundred and seventy-five of the General Laws of the Commonwealth of Massachusetts to issue a motor vehicle liability policy or to execute a motor vehicle liability bond as surety.”, — so that the first paragraph will read as follows:— Any company which does not intend to issue a motor vehicle liability policy or to execute or act as surety on a motor vehicle liability bond, both as defined in section thirty-four A of chapter ninety, for the ensuing year in favor of the insured or the principal named in an existing policy or bond issued or executed by it shall, if said policy or bond is in full force and effect on November tenth, give written notice of its said intent on or before November fifteenth as hereinafter provided. Such notice shall, except as hereinafter provided, be sent either to said insured or principal or to the insurance agent of the company or the insurance broker who negotiated the issue of the policy or the execution of the bond. If the certificate, as defined in said section thirty-four A, in respect to such policy or bond was executed by or on behalf of an insurance agent of the company, such notice shall be sent to the said insurance agent. If when said notice is to be sent any such insurance agent is not then so licensed, the company shall send such notice to the said insured or principal. Such notice shall be in a form satisfactory to the commissioner and shall include the following statement: “This notice shall not be deemed a refusal under section one hundred and thirteen D of chapter one hundred and seventy-five of the General Laws of the Commonwealth of Massachusetts to issue a motor vehicle liability policy or to execute a motor vehicle liability bond as surety.”

Renewal of motor vehicle liability policies, etc.

Approved May 24, 1938.

AN ACT AUTHORIZING THE CITY OF LOWELL TO RETIRE AND PENSION JOHN B. BLESSINGTON. Chap. 352

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good and in consideration of his long and meritorious service, the city of Lowell may retire upon an annual pension John B. Blessington, who served said city faithfully for over forty-five years in its street department and is now permanently disabled for further performance of duty. Said pension shall be in an amount equal to one half the salary received by him at the time of his retirement, and shall be paid in equal monthly instalments.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, but not otherwise.

Approved May 24, 1938.

*Chap.*353 AN ACT RELATIVE TO THE FEE FOR LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY PACKAGE STORES, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, § 15, etc., amended.

Section fifteen of chapter one hundred and thirty-eight of the General Laws, as most recently amended by section one of chapter two hundred and twenty-five of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out the second paragraph and inserting in place thereof the following: —

Package store license, fee for.

Any sale of such beverages shall be conclusively presumed to have been made in the store wherein the order was received from the customer. The local licensing authorities may determine in the first instance when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, in no case less than one hundred nor, except as hereinafter provided, more than fifteen hundred dollars for the sale of all alcoholic beverages, and in no case less than seventy-five nor, except as hereinafter provided, more than one thousand dollars for the sale of wines and malt beverages or either. Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock ante meridian and eleven o'clock post meridian, or between eight o'clock ante meridian and half past eleven o'clock post meridian on any day immediately preceding a legal holiday, except when prohibited by section thirty-three.

Approved May 24, 1938.

*Chap.*354 AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN FINES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 279, § 1, etc., amended.

The first paragraph of section one of chapter two hundred and seventy-nine of the General Laws, as most recently amended by section one of chapter three hundred and fifty-eight of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the twenty-fifth line, the words "clerk of the court" and inserting in place thereof the words: — sheriff if such fine is imposed in the superior court, or to the clerk of the court if such fine is imposed in the district court, — and by inserting after the word "the" the first time it appears in the twenty-seventh line the words: — sheriff's or, — so as to read as follows: — When a person convicted before a court is sentenced to imprisonment, the court may direct that the execution of the sentence be suspended, and that he be placed on probation for such time and on such terms and conditions as it shall fix. When a person so convicted is sentenced to pay a fine, and to stand committed until it is paid, the court may direct that the execution of the sentence be suspended for such time as it shall fix, and in its discretion

Execution of certain sentences may be suspended.

Disposition of certain fines.

that he be placed on probation on condition that he pay the fine within such time. If the fine does not exceed fifteen dollars and the court finds that the defendant is unable to pay it when imposed, the execution of the sentence shall be suspended and he may in its discretion be placed on probation, unless the court shall find that he will probably default, or that such suspension will be detrimental to the interests of the public. If he is committed for non-payment of a fine, the order of commitment shall contain a recital of the findings of the court on which suspension is refused. The fine shall be paid in one payment, or in part payments, to the probation officer, and when fully paid the order of commitment shall be void. The probation officer shall give a receipt for every payment so made, shall keep a record of the same, shall pay the fine, or all sums received in part payment thereof, to the sheriff if such fine is imposed in the superior court, or to the clerk of the court if such fine is imposed in the district court, at the end of the period of probation or any extension thereof, and shall keep on file the sheriff's or clerk's receipt therefor. If during or at the end of said period the probation officer shall report that the fine is in whole or in part unpaid, and in his opinion the person is unwilling or unable to pay it, the court may either extend said period, place the case on file or revoke the suspension of the execution of the sentence. When such suspension is revoked, in a case where the fine has been paid in part, the defendant may be committed for default in payment of the balance.

Approved May 24, 1938.

AN ACT RELATIVE TO THE LISTING OF VOTERS IN THE CITY OF REVERE. *Chap. 355*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter eighty-four of the acts of nineteen hundred and twenty-five is hereby amended by striking out the first two sentences and inserting in place thereof the following: — There is hereby established in the city of Revere a listing board, hereinafter called the board, composed of the chief of police and the registrars of voters of said city.

SECTION 2. Section two of said chapter eighty-four is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

The board, upon the personal application of a person listed for the correction of any error in its lists, or whenever informed of any such error, shall make due investigation, and upon proof thereof correct the same on its lists, and shall immediately notify the assessors of such correction, and said assessors shall correct their lists accordingly. The board shall cause all applications and affidavits received by it under this section to be preserved for two years.

SECTION 3. Said chapter eighty-four is hereby amended by striking out section three and inserting in place thereof

the following:— *Section 3.* The board shall, on or before the twenty-fifth day of April in each year, transmit to the assessors certified lists taken from the lists prepared as provided in the preceding section, containing the name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said city, and shall promptly transmit to the assessors notice of every addition to and correction in the lists made by it. Instead of visiting every building in said city and making their own lists for assessment of poll taxes, the assessors may use the lists prepared by the board, or such parts thereof as they deem advisable. The board shall furnish all information in its possession necessary to aid the assessors in the performance of their duties.

SECTION 4. Said chapter eighty-four is hereby further amended by striking out section four and inserting in place thereof the following:— *Section 4.* The board shall, on or before the first day of June in each year, prepare printed copies of the lists prepared under the preceding section. The board shall print such lists in pamphlet form by precincts, deliver to the assessors as many copies thereof as they may require, and hold the remaining copies for public distribution.

SECTION 5. Said chapter eighty-four is hereby further amended by striking out section five, as most recently amended by chapter forty-two of the acts of nineteen hundred and thirty, and sections six and seven, and inserting in place thereof the following:— *Section 5.* If a person, twenty years of age or upward, resident in said city of Revere on the first day of January, was not listed by the board, he shall, in order to establish his right to be listed, appear before the board of registrars of voters at such time as it may designate, the members of which are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving his name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the current year and his residence on the first day of January in the preceding year.

A person, twenty years of age or upward, who becomes a resident of said city after the first day of January and desires to be listed, shall appear before any member of the board of registrars of voters, each of whom is hereby authorized to administer oaths for the purpose, and present a statement in writing under oath that the applicant became a resident of said city at least six months immediately prior to the election at which he claims the right to vote, giving his name, age, occupation, nationality, if not a citizen of the United States, and his present residence, the date when

he became a resident of said city, and his residence on the first day of January in the current year and on such other dates as the board of registrars of voters may require.

If the board of registrars of voters, after investigation and report by the chief of police or a police officer detailed by him, is satisfied that such statements are true, it shall give the applicant a certificate that he was a resident of said city on said first day of January, which certificate shall state his name, age, occupation, nationality, if not a citizen of the United States, and present residence, the date when he became a resident of said city, and his residence on the first day of January in the current year and on the other dates required as aforesaid; but no such application shall be received, and no such person shall be listed or given said certificate, between the twentieth day preceding, and the day following, a state or municipal election. The board of registrars of voters shall also forthwith transmit to the assessors the names of all persons receiving such certificates, together with their residences as appearing on said certificates.

In every place where oaths are administered for the purpose of listing, the board of registrars of voters shall post in a conspicuous place a copy of section seven of chapter fifty-six of the General Laws, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Section 6. The board of registrars of voters shall enter the date of application, the name, age, occupation, nationality, if not a citizen of the United States, and the residences, as appearing on said certificate, of every such applicant, together with the result of its investigation of his application, in a book provided for that purpose, which shall be open for public inspection. The board of registrars of voters shall cause to be printed in a newspaper published in said city of Revere the name and residence of every such applicant. Such names and residences shall be printed by wards and precincts in the first issue of said newspaper published after the number of names of applicants, not printed, reaches fifty, and shall include the names of all such applicants received up to the close of business for this purpose in the office of the board on the day when said number is reached.

Section 7. The board of registrars of voters shall keep its office open during such hours as shall be necessary to carry out the preceding two sections.

SECTION 6. This act shall take effect on the thirty-first day of December in the current year.

Approved May 24, 1938.

Chap. 356 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS, AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the general fund or revenue of the commonwealth, unless some other source of revenue is expressed, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending November thirtieth, nineteen hundred and thirty-eight, or for such other period as may be specified

SECTION 2.

Service of the Legislative Department.

Item		
1	For the compensation of senators, a sum not exceeding eighty thousand two hundred dollars . . .	\$80,200 00
2	For the compensation for travel of senators, a sum not exceeding fifty-eight hundred dollars . . .	5,800 00
3	For the compensation of representatives, a sum not exceeding four hundred seventy-four thousand dollars . . .	474,000 00
4	For the compensation for travel of representatives, a sum not exceeding thirty-five thousand seven hundred dollars . . .	35,700 00
5	For the salaries of the clerk of the senate and the clerk of the house of representatives, a sum not exceeding twelve thousand dollars . . .	12,000 00
6	For the salaries of the assistant clerk of the senate and the assistant clerk of the house of representatives, a sum not exceeding eighty-eight hundred and seventy-five dollars . . .	8,875 00
7	For such additional clerical assistance to, and with the approval of, the clerk of the house of representatives, as may be necessary for the proper despatch of public business, a sum not exceeding sixty-eight hundred dollars . . .	6,800 00
8	For such additional clerical assistance to, and with the approval of, the clerk of the senate, as may be necessary for the proper despatch of public business, a sum not exceeding twenty-five hundred dollars . . .	2,500 00
9	For the salary of the sergeant-at-arms, a sum not exceeding four thousand dollars . . .	4,000 00
10	For clerical assistance, office of the sergeant-at-arms, a sum not exceeding four thousand dollars . . .	4,000 00
11	For the compensation for travel of doorkeepers, assistant doorkeepers, general court officers, pages and other employees of the sergeant-at-arms, authorized by law to receive the same, a sum not exceeding seventy-two hundred dollars . . .	7,200 00

Item

12	For the salaries of the doorkeepers of the senate and house of representatives, and the postmaster, with the approval of the sergeant-at-arms, a sum not exceeding eight thousand dollars	\$8,000 00
13	For the salaries of assistant doorkeepers to the senate and house of representatives and of general court officers, with the approval of the sergeant-at-arms, a sum not exceeding fifty-two thousand six hundred dollars	52,600 00
14	For compensation of the pages of the senate and house of representatives, with the approval of the sergeant-at-arms, a sum not exceeding ten thousand four hundred dollars	10,400 00
15	For the salaries of clerks employed in the legislative document room, a sum not exceeding fifty-seven hundred dollars	5,700 00
16	For certain other persons employed by the sergeant-at-arms, in and about the chambers and rooms of the legislative department, a sum not exceeding thirty-one hundred and fifty dollars	3,150 00
17	For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding fifteen hundred dollars	1,500 00
18	For personal services of the counsel to the senate and assistants, a sum not exceeding sixteen thousand three hundred dollars	16,300 00
19	For personal services of the counsel to the house of representatives and assistants, a sum not exceeding twenty-five thousand dollars	25,000 00
20	For clerical and other assistance of the senate committee on rules, a sum not exceeding fifty-five hundred dollars	5,500 00
21	For clerical and other assistance of the house committee on rules, a sum not exceeding forty-five hundred dollars	4,500 00
22	For traveling and such other expenses of the committees of the present general court as may be authorized by order of either branch of the general court, a sum not exceeding five thousand dollars	5,000 00
23	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches, a sum not exceeding sixty-five thousand dollars	65,000 00
24	For expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, a sum not exceeding nineteen thousand five hundred dollars	19,500 00
25	For stationery for the senate, purchased by and with the approval of the clerk, a sum not exceeding five hundred dollars	500 00
26	For office and other expenses of the committee on rules on the part of the senate, a sum not exceeding two hundred dollars	200 00
27	For office expenses of the counsel to the senate, a sum not exceeding three hundred dollars	300 00
28	For stationery for the house of representatives, purchased by and with the approval of the clerk, a sum not exceeding nine hundred dollars	900 00
29	For office and other expenses of the committee on rules on the part of the house, a sum not exceeding six hundred and sixty dollars	660 00

Item		
30	For office expenses of the counsel to the house of representatives, a sum not exceeding three hundred dollars	\$300 00
31	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, a sum not exceeding ten thousand dollars	10,000 00
32	For telephone service, a sum not exceeding eight thousand dollars	8,000 00
33	For indexing the special laws of the commonwealth, under the direction of the senate and house counsel, as authorized by chapter five of the resolves of nineteen hundred and thirty-five, a sum not exceeding six thousand dollars	6,000 00
	Total	<u>\$890,085 00</u>

Service of Legislative Investigations.

33a	For an investigation of the department of mental diseases, as authorized by chapter seven of the resolves of nineteen hundred and thirty-seven, and by chapter one of the resolves of the present year, a sum not exceeding seventy-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$7,500 00
33b	For an investigation relative to the Communistic, Fascist, Nazi and other subversive organizations, as authorized by chapter thirty-two of the resolves of nineteen hundred and thirty-seven, and by chapter six of the resolves of the present year, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,000 00
	Total	<u>\$9,500 00</u>

Service of the Judicial Department.

Supreme Judicial Court, as follows:

34	For the salaries of the chief justice and of the six associate justices, a sum not exceeding ninety-nine thousand dollars	\$99,000 00
35	For traveling allowance and expenses, a sum not exceeding thirty-one hundred dollars	3,100 00
36	For pensions of retired justices of the supreme judicial court and of the superior court, and judges of the probate courts and the land court, a sum not exceeding fifty-nine thousand six hundred and twenty-five dollars (This item is combined with Items 50, 58 and 89.)	59,625 00
37	For the salary of the clerk for the commonwealth, a sum not exceeding sixty-five hundred dollars	6,500 00
38	For clerical assistance to the clerk, a sum not exceeding eighteen hundred dollars	1,800 00
39	For law clerks, stenographers and other clerical assistance for the justices, a sum not exceeding twenty-six thousand dollars	26,000 00
40	For office supplies, services and equipment, a sum not exceeding eight thousand dollars	8,000 00
41	For the salaries of the officers and messengers, a sum not exceeding three thousand and forty dollars	3,040 00
42	For the commonwealth's part of the salary of the clerk for the county of Suffolk, a sum not exceeding fifteen hundred dollars	1,500 00

Item

Reporter of Decisions:

43	For the salary of the reporter of decisions, a sum not exceeding six thousand dollars	\$6,000 00
44	For clerk hire and office supplies, services and equipment, a sum not exceeding ten thousand nine hundred and fifty dollars	10,950 00

Pensions:

45	For the pensions of retired court officers, a sum not exceeding two hundred dollars	200 00
Total		<u>\$225,715 00</u>

Superior Court, as follows:

46	For the salaries of the chief justice and of the thirty-one associate justices, a sum not exceeding three hundred eighty-five thousand dollars	\$385,000 00
47	For traveling allowances and expenses, a sum not exceeding eighteen thousand dollars	18,000 00
48	For the salary of the assistant clerk, Suffolk county, a sum not exceeding one thousand dollars	1,000 00
49	For clerical work, inspection of records and doings of persons authorized to admit to bail, for an executive clerk to the chief justice, and for certain other expenses incident to the work of the court, a sum not exceeding twelve thousand three hundred dollars	12,300 00
50	(This item combined with Item 36.)	
Total		<u>\$416,300 00</u>

Justices of District Courts:

51	For compensation of justices of district courts while sitting in the superior court, a sum not exceeding twenty-one thousand dollars	\$21,000 00
52	For expenses of justices of district courts while sitting in the superior court, a sum not exceeding twenty-six hundred dollars	2,600 00
53	For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court, a sum not exceeding seven thousand dollars	7,000 00
Total		<u>\$30,600 00</u>

Judicial Council:

54	For expenses of the judicial council, as authorized by section thirty-four C of chapter two hundred and twenty-one of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding seventeen hundred and fifty dollars	\$1,750 00
55	For compensation of the secretary of the judicial council, as authorized by said section thirty-four C of said chapter two hundred and twenty-one, a sum not exceeding thirty-five hundred dollars	3,500 00
Total		<u>\$5,250 00</u>

Administrative Committee of District Courts:

56	For compensation and expenses of the administrative committee of district courts, a sum not exceeding twenty-five hundred dollars	\$2,500 00
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Item

Probate and Insolvency Courts, as follows:	
57	For the salaries of judges of probate of the several counties, a sum not exceeding one hundred fifty-eight thousand five hundred dollars
58	(This item combined with Item 36.)
59	For the compensation of judges of probate when acting for other judges of probate, a sum not exceeding eight thousand dollars
60	For expenses of judges of probate when acting for other judges of probate, a sum not exceeding five hundred dollars
61	For the salaries of registers of the several counties, a sum not exceeding sixty-three thousand three hundred dollars
62	For the salaries of assistant registers, a sum not exceeding seventy-six thousand three hundred and eighty dollars
	Total

Administrative Committee of Probate Courts:	
63	For expenses of the administrative committee of probate courts, a sum not exceeding five hundred dollars

For clerical assistance to Registers of the several counties, as follows:	
64	Barnstable, a sum not exceeding twenty-two hundred and fifty dollars
65	Berkshire, a sum not exceeding fifty-three hundred and forty dollars
66	Bristol, a sum not exceeding fourteen thousand five hundred and fifty dollars
67	Dukes County, a sum not exceeding six hundred and sixty dollars
68	Essex, a sum not exceeding nineteen thousand five hundred dollars
69	Franklin, a sum not exceeding eleven hundred and fifty dollars
70	Hampden, a sum not exceeding thirteen thousand eight hundred dollars
71	Hampshire, a sum not exceeding twenty-one hundred and thirty dollars
72	Middlesex, a sum not exceeding forty-eight thousand eight hundred and ten dollars
73	Norfolk, a sum not exceeding sixteen thousand four hundred and forty dollars
74	Plymouth, a sum not exceeding fifty-two hundred and fifty dollars
75	Suffolk, a sum not exceeding sixty-two thousand four hundred and ninety dollars
76	Worcester, a sum not exceeding fourteen thousand seven hundred and fifty dollars
	Total

District Attorneys, as follows:	
77	For the salaries of the district attorney and assistants for the Suffolk district, a sum not exceeding sixty-six thousand dollars
78	For the salaries of the district attorney and assistants for the northern district, a sum not exceeding thirty-two thousand dollars

Item		
79	For the salaries of the district attorney and assistants for the eastern district, a sum not exceeding seventeen thousand four hundred dollars . . .	\$17,400 00
80	For the salaries of the district attorney, deputy district attorney and assistants for the southeastern district, a sum not exceeding eighteen thousand six hundred dollars . . .	18,600 00
81	For the salaries of the district attorney and assistants for the southern district, a sum not exceeding twelve thousand six hundred dollars . . .	12,600 00
82	For the salaries of the district attorney and assistants for the middle district, a sum not exceeding fifteen thousand dollars . . .	15,000 00
83	For the salaries of the district attorney and assistants for the western district, a sum not exceeding ten thousand four hundred dollars . . .	10,400 00
84	For the salary of the district attorney for the northwestern district, a sum not exceeding four thousand dollars . . .	4,000 00
85	For traveling expenses necessarily incurred by the district attorneys, except in the Suffolk district, for the present and previous years, a sum not exceeding sixty-five hundred dollars . . .	6,500 00
	Total	<u>\$182,500 00</u>

Service of the Land Court.

86	For the salaries of the judge, associate judges, the recorder and court officer, a sum not exceeding thirty-eight thousand nine hundred and eighty-four dollars . . .	\$38,984 00
87	For engineering, clerical and other personal services, a sum not exceeding forty-six thousand eight hundred dollars . . .	46,800 00
88	For personal services in the examination of titles, for publishing and serving citations and other services, traveling expenses, supplies and office equipment, and for the preparation of sectional plans showing registered land, a sum not exceeding twenty-three thousand dollars . . .	23,000 00
89	(This item combined with Item 36.)	
	Total	<u>\$108,784 00</u>

Service of the Board of Probation.

90	For personal services of the commissioner, clerks and stenographers, a sum not exceeding sixty thousand six hundred and fifty dollars . . .	\$60,650 00
91	For services other than personal, including printing the annual report, traveling expenses, rent, office supplies and equipment, a sum not exceeding thirteen thousand six hundred dollars . . .	13,600 00
	Total	<u>\$74,250 00</u>

Service of the Board of Bar Examiners.

92	For personal services of the members of the board, a sum not exceeding twelve thousand five hundred dollars . . .	\$12,500 00
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Item

93	For other services, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding eight thousand dollars	\$8,000 00
	Total	\$20,500 00

Service of the Executive Department.

94	For the salary of the governor, a sum not exceeding ten thousand dollars	\$10,000 00
95	For the salary of the lieutenant governor, a sum not exceeding four thousand dollars	4,000 00
96	For the salaries of the eight councillors, a sum not exceeding eight thousand dollars	8,000 00
97	For the salaries of officers and employees of the department, a sum not exceeding forty-seven thousand six hundred dollars	47,600 00
98	For certain personal services for the lieutenant governor and council, a sum not exceeding fifty-seven hundred dollars; provided, that not more than two persons shall be employed for this purpose after June first, nineteen hundred and thirty-eight	5,700 00
99	For travel and expenses of the lieutenant governor and council from and to their homes, a sum not exceeding fifteen hundred dollars	1,500 00
100	For postage, printing, office and other contingent expenses, including travel of the governor, a sum not exceeding twenty thousand dollars	20,000 00
101	For postage, printing, stationery, traveling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars	2,500 00
102	(This item omitted.)	
103	For payment of extraordinary expenses and for transfers made to cover deficiencies, with the approval of the governor and council, a sum not exceeding one hundred thousand dollars	100,000 00
104	For certain maintenance expenses of the governor's automobile, a sum not exceeding eighteen hundred dollars	1,800 00
	Total	\$201,100 00

Service of the Adjutant General.

105	For the salary of the adjutant general, a sum not exceeding forty-one hundred dollars	\$4,100 00
106	For personal services of office assistants, including services for the preparation of records of Massachusetts soldiers and sailors, a sum not exceeding thirty-three thousand four hundred and seventy dollars	33,470 00
107	For services other than personal, and for necessary office supplies and expenses, a sum not exceeding fifty-four hundred and fifty dollars	5,450 00
108	For expenses of the national guard convention and for expenses not otherwise provided for in connection with military matters and accounts, a sum not exceeding eighty-five hundred dollars	8,500 00
	Total	\$51,520 00

Service of the Militia.

Item		
109	For allowances to companies and other administrative units, a sum not exceeding one hundred sixty-one thousand dollars	\$161,000 00
110	For the cost of materials and equipment and incidental expenses of training persons in the use of chemical gas, a sum not exceeding fifteen hundred dollars	1,500 00
111	For certain allowances for national guard officers, as authorized by paragraph (d) of section one hundred and forty-five of chapter thirty-three of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding twenty-four thousand four hundred dollars	24,400 00
112	For pay and transportation of certain boards, a sum not exceeding thirty-five hundred dollars	3,500 00
113	For pay and expenses of certain camps of instruction, a sum not exceeding seven thousand dollars	7,000 00
114	For pay and transportation in making inspections and surveys, and for escort duty, a sum not exceeding thirty-five hundred dollars	3,500 00
115	For transportation of officers and non-commissioned officers for attendance at military meetings, a sum not exceeding thirty-five hundred dollars	3,500 00
116	For transportation to and from regimental and battalion drills, a sum not exceeding one thousand dollars	1,000 00
117	For transportation when appearing for examination, a sum not exceeding one hundred dollars	100 00
118	For expenses of rifle practice, a sum not exceeding fifteen thousand dollars	15,000 00
119	For compensation, transportation and expenses in the preparation for camp duty maneuvers, a sum not exceeding thirty thousand dollars	30,000 00
120	For maintenance of horses, a sum not exceeding fifty-nine hundred dollars	5,900 00
121	For compensation for special and miscellaneous duty, a sum not exceeding fifteen thousand two hundred and fifty dollars	15,250 00
122	For compensation for accidents and injuries sustained in the performance of military duty, a sum not exceeding eight thousand dollars	8,000 00
123	To cover certain small claims for damages to private property arising from military maneuvers, a sum not exceeding five hundred dollars	500 00
124	For expenses of maintaining an aero squadron, a sum not exceeding four thousand dollars	4,000 00
125	For services and expenses of the military reservation located in Barnstable county, a sum not exceeding twenty-five hundred dollars.	2,500 00
126	For premiums on bonds for officers, a sum not exceeding seventeen hundred and fifty dollars	1,750 00
127	For instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding fifteen thousand dollars	15,000 00
128	For allowances for batteries of field artillery, a sum not exceeding sixty-four hundred dollars	6,400 00
129	For expenses of operation of the twenty-sixth division, a sum not exceeding fifty-one hundred dollars	5,100 00
130	For clerical and other expenses for the office of the property and disbursing officer, a sum not exceeding fifty-nine hundred and eighty dollars	5,980 00

Item		
131	For personal services necessary for the operation of the commonwealth depot and motor repair park, a sum not exceeding thirty-six thousand seven hundred and twenty dollars	\$36,720 00
	Total	\$357,600 00

Service of Special Military Expenses.

132	For the expense of testimonials to soldiers and sailors of the world war, to be expended under the direction of the adjutant general, a sum not exceeding one hundred and fifty dollars	\$150 00
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Service of the State Quartermaster.

133	For personal services of the state quartermaster, superintendent of arsenal and certain other employees of the state quartermaster, a sum not exceeding twenty-one thousand dollars	\$21,000 00
134	For the salaries of armorers and assistant armorers of first-class armories, and superintendent of armories, a sum not exceeding one hundred thirty-nine thousand dollars	139,000 00
135	For certain incidental military expenses of the quartermaster's department, a sum not exceeding three hundred and fifty dollars	350 00
136	For office and general supplies and equipment, a sum not exceeding eleven thousand dollars	11,000 00
137	For the care and maintenance of the camp ground and buildings at Framingham, a sum not exceeding two hundred dollars	200 00
138	For the maintenance of armories of the first class, including the purchase of certain furniture, a sum not exceeding one hundred ninety-six thousand dollars	196,000 00
139	For reimbursement for rent and maintenance of armories not of the first class, a sum not exceeding fifty-one hundred dollars	5,100 00
140	For expense of maintaining and operating the Camp Curtis Guild rifle range, a sum not exceeding twenty thousand dollars	20,000 00
141	For maintenance, other than personal services, of the commonwealth depot and motor repair park, a sum not exceeding fifteen thousand dollars	15,000 00
	Total	\$407,650 00

Service of the State Surgeon.

142	For personal services of the state surgeon, and regular assistants, a sum not exceeding seven thousand and twenty dollars	\$7,020 00
143	For services other than personal, and for necessary medical and office supplies and equipment, a sum not exceeding two thousand dollars	2,000 00
144	For the examination of recruits, a sum not exceeding eight thousand dollars	8,000 00
	Total	\$17,020 00

Service of the State Judge Advocate.

145	For compensation of the state judge advocate, as provided by law, a sum not exceeding fifteen hundred dollars	\$1,500 00
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Service of the Commission on Administration and Finance.

Item		
146	For personal services of the commissioners, a sum not exceeding twenty-six thousand five hundred dollars	\$26,500 00
147	For personal services of the bureau of the comptroller, a sum not exceeding one hundred two thousand dollars	102,000 00
148	For personal services of the bureau of the purchasing agent, a sum not exceeding seventy-two thousand dollars	72,000 00
149	For other personal services of the commission, a sum not exceeding fifty-eight thousand dollars	58,000 00
150	For other expenses incidental to the duties of the commission, a sum not exceeding thirty-two thousand dollars	32,000 00
	Total	\$290,500 00

Purchase of paper:

151	For the purchase of paper used in the execution of the contracts for state printing, other than legislative, with the approval of the commission on administration and finance, a sum not exceeding sixty thousand dollars	\$60,000 00
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Service of the Armory Commissioners.

152	For compensation of members, a sum not exceeding five hundred dollars	\$500 00
153	For office, incidental, and traveling expenses, a sum not exceeding one hundred dollars	100 00
154	For the construction of latrines and shower baths and for necessary clearing and grading at the state military reservation located in Barnstable county, a sum not exceeding fifty thousand dollars; provided, that said sum may be used in connection with Works Progress Administration grants	50,000 00
	Total	\$50,600 00

Service of the Commissioner of State Aid and Pensions.

155	For personal services of the commissioner and deputies, a sum not exceeding twelve thousand seven hundred and ninety dollars	\$12,790 00
156	For personal services of agents, clerks, stenographers and other assistants, a sum not exceeding twenty-eight thousand dollars	28,000 00
157	For services other than personal, including printing the annual report, traveling expenses of the commissioner and his employees, and necessary office supplies and equipment, a sum not exceeding forty-seven hundred dollars	4,700 00
	Total	\$45,490 00

For Expenses on Account of Wars.

158	For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts soldiers and their families, the sum of three hundred seventy thousand dollars, the same to be paid on or before the fifteenth day of November in the current year, in accordance with the provisions of existing laws relative to state and military aid	\$370,000 00
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Item

159	For certain care of veterans of the civil war, their wives and widows, as authorized by section twenty-five of chapter one hundred and fifteen of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding twenty-five thousand six hundred dollars	\$25,600 00
	Total	\$395,600 00

Service of the Massachusetts Soldiers' Home.

160	For the maintenance of the Soldiers' Home in Massachusetts, with the approval of the trustees thereof, a sum not exceeding three hundred twenty-six thousand dollars, the same to be in addition to certain receipts from the United States government	\$326,000 00
161	For the purchase of furnishings and equipment for Sargent Hall, a sum not exceeding twelve hundred and fifty dollars	1,250 00
162	For the construction of an addition to the power plant basement for utility purposes, and for the purchase of equipment for the production of ice cream, a sum not exceeding sixty-eight hundred dollars	6,800 00
163	For certain additional furnishings for the nurses' dormitory, a sum not exceeding fourteen hundred dollars	1,400 00
	Total	\$335,450 00

Service of the Art Commission.

164	For expenses of the commission, a sum not exceeding one hundred and fifty dollars	\$150 00
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Service of the Ballot Law Commission.

165	For compensation of the commissioners, a sum not exceeding fifteen hundred dollars	\$1,500 00
166	For expenses, including travel, supplies and equipment, a sum not exceeding five hundred dollars	500 00
	Total	\$2,000 00

Service of the Commissioners on Uniform State Laws.

167	For expenses of the commissioners, a sum not exceeding seven hundred and fifty dollars	\$750 00
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For the Maintenance of the Mount Greylock War Memorial.

168	For expenses of maintenance of the Mount Greylock war memorial, as authorized by chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-three, a sum not exceeding two thousand dollars	\$2,000 00
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Service of the Alcoholic Beverages Control Commission.

The following items shall be payable from fees collected under section twenty-seven of chapter one hundred and thirty-eight of the General Laws, as most recently amended:

169	For personal services, a sum not exceeding one hundred thirteen thousand nine hundred dollars	\$113,900 00
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Item

170	For services other than personal, including rent of offices, travel, and office and incidental expenses, a sum not exceeding forty-four thousand dollars	\$44,000 00
	Total	\$157,900 00

Service of the State Planning Board.

171	For personal services of secretary, chief engineer, and other assistants, a sum not exceeding thirty-three thousand dollars	\$33,000 00
172	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding eleven thousand dollars	11,000 00
	Total	\$44,000 00

Service of the State Racing Commission.

173	For personal services, a sum not exceeding one hundred and thirty thousand dollars	\$130,000 00
174	For other administrative expenses, including rent of offices, travel, and office and incidental expenses, a sum not exceeding thirteen thousand dollars	13,000 00
	Total	\$143,000 00

Service of the State Library.

175	For personal services of the librarian, a sum not exceeding fifty-seven hundred dollars	\$5,700 00
176	For personal services of the regular library assistants, temporary clerical assistance, and for services for cataloguing, a sum not exceeding forty-two thousand four hundred dollars	42,400 00
177	For services other than personal, including printing the annual report, office supplies and equipment, and incidental traveling expenses, a sum not exceeding twenty-three hundred dollars	2,300 00
178	For books and other publications and things needed for the library, and the necessary binding and rebinding incidental thereto, a sum not exceeding eleven thousand dollars	11,000 00
	Total	\$61,400 00

Service of the Superintendent of Buildings.

179	For personal services of the superintendent and office assistants, a sum not exceeding ten thousand seven hundred and sixty dollars	\$10,760 00
180	For personal services of engineers, assistant engineers, firemen and helpers in the engineer's department, a sum not exceeding sixty-one thousand three hundred dollars	61,300 00
181	For personal services of capitol police, a sum not exceeding forty-eight thousand nine hundred and sixty dollars	48,960 00
182	For personal services of janitors, a sum not exceeding twenty-four thousand four hundred and twenty dollars	24,420 00
183	For other personal services incidental to the care and maintenance of the state house, a sum not exceeding eighty-three thousand five hundred dollars	83,500 00

Item		
184	For personal services of the central mailing room, a sum not exceeding eighty-seven hundred dollars	\$8,700 00
	Total	\$237,640 00
	Other Annual Expenses:	
185	For contingent, office and other expenses of the superintendent, a sum not exceeding three hundred dollars	\$300 00
186	For telephone service in the building and expenses in connection therewith, a sum not exceeding thirty-six thousand five hundred dollars	36,500 00
187	For services, supplies and equipment necessary to furnish heat, light and power, a sum not exceeding forty-six thousand dollars	46,000 00
188	For other services, supplies and equipment necessary for the maintenance and care of the state house and grounds, including repairs of furniture and equipment, a sum not exceeding thirty-two thousand dollars	32,000 00
189	For office and other expenses of the central mailing room, a sum not exceeding one hundred dollars	100 00
	Total	\$114,900 00
	Special Improvements:	
190	(This item omitted.)	
191	For improvements in the power plant at the state house, including the purchase and installation of certain equipment, a sum not exceeding fifty-one thousand dollars	\$51,000 00
	<i>For the Maintenance of Old State House.</i>	
192	For the contribution of the commonwealth toward the maintenance of the old provincial state house, the sum of fifteen hundred dollars	\$1,500 00
	<i>Service of the Secretary of the Commonwealth.</i>	
193	For the salary of the secretary, a sum not exceeding seven thousand dollars	\$7,000 00
194	For the salaries of officers and employees holding positions established by law, and other personal services, a sum not exceeding one hundred sixteen thousand dollars	116,000 00
195	For services other than personal, traveling expenses, office supplies and equipment, for the arrangement and preservation of state records and papers, and for advertising the purpose of sections twenty-eight A to twenty-eight D of chapter six of the General Laws, as amended, a sum not exceeding seventeen thousand dollars.	17,000 00
196	For postage and expressage on public documents, and for mailing copies of bills and resolves to certain state, city and town officials, a sum not exceeding twenty-nine hundred dollars	2,900 00
197	For printing registration books, blanks and indexes, a sum not exceeding eight hundred dollars	800 00
198	For the purchase of certain supplies and equipment, and for other things necessary in connection with the reproduction of the manuscript collection designated "Massachusetts Archives", a sum not exceeding twenty-five hundred dollars	2,500 00
199	For the purchase of ink for public records of the commonwealth, a sum not exceeding one thousand dollars	1,000 00

Item

200 For traveling expenses of the supervisor of public records, a sum not exceeding seven hundred dollars \$700 00

Total \$147,900 00

Indexing vital statistics:

201 For the preparation of certain indexes of births, marriages and deaths, a sum not exceeding nine thousand dollars \$9,000 00

For printing laws, etc.:

202 For printing and distributing the pamphlet edition and for printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding thirteen thousand dollars . . \$13,000 00

203 For the printing of reports of decisions of the supreme judicial court, a sum not exceeding sixty-three hundred and twenty dollars, the same to be in addition to any unexpended balance of appropriations made for the purpose in preceding years 6,320 00

204 For printing and binding public documents, a sum not exceeding two thousand dollars 2,000 00

Total \$21,320 00

For matters relating to elections:

205 For personal and other services in preparing for primary elections, and for the expenses of preparing, printing and distributing ballots for primary and other elections, a sum not exceeding two hundred twenty-two thousand dollars \$222,000 00

206 For the printing of blanks for town officers, election laws and blanks and instructions on all matters relating to elections, a sum not exceeding five thousand dollars 5,000 00

207 For furnishing cities and towns with ballot boxes, and for repairs to the same; for the purchase of apparatus to be used at polling places in the canvass and counting of votes; and for providing certain registration facilities, a sum not exceeding twenty-five hundred dollars 2,500 00

208 For expenses of publication of lists of candidates and forms of questions before state elections, a sum not exceeding fourteen thousand dollars 14,000 00

209 For expenses of compiling and publishing information to voters, as required by section fifty-three of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding forty-six thousand dollars . . 46,000 00

Total \$289,500 00

Medical Examiners' Fees:

210 For medical examiners' fees, as provided by law, a sum not exceeding twelve hundred dollars \$1,200 00

Commission on Interstate Co-operation:

211 For personal and other services of the commission, including travel and other expenses, as authorized by sections twenty-one to twenty-five, inclusive, of chapter six of the General Laws, inserted by chapter four hundred and four of the acts of nineteen hundred and thirty-seven, a sum not exceeding eight thousand dollars \$8,000 00

Service of the Treasurer and Receiver-General.

Item		
212	For the salary of the treasurer and receiver-general, a sum not exceeding six thousand dollars	\$6,000 00
213	For salaries of officers and employees holding positions established by law and additional clerical and other assistance, a sum not exceeding sixty-five thousand two hundred and twenty dollars	65,220 00
214	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding twenty-one thousand five hundred dollars	21,500 00
215	(This item omitted.)	
	Total	<hr/> \$92,720 00

Commissioners on Firemen's Relief:

216	For relief disbursed, with the approval of the commissioners on firemen's relief, subject to the provisions of law, a sum not exceeding seventeen thousand five hundred dollars	\$17,500 00
217	For expenses of administration by the commissioners on firemen's relief, a sum not exceeding five hundred dollars	500 00
	Total	<hr/> \$18,000 00

Payments to Soldiers:

218	(This item combined with Items 213 and 214.)	
219	For making payments to soldiers in recognition of service during the world war, as provided by law, a sum not exceeding five thousand dollars	\$5,000 00
220	For payments to soldiers and sailors in the volunteer service of the United States during the Spanish-American war, and to certain of their dependents, as authorized by section one of chapter five hundred and sixty-one of the acts of eighteen hundred and ninety-eight, as amended by section one of chapter four hundred and seventy-one of the acts of eighteen hundred and ninety-nine, a sum not exceeding two hundred dollars	200 00
	Total	<hr/> \$5,200 00

State Board of Retirement:

221	For personal services in the administrative office of the state board of retirement, a sum not exceeding eleven thousand seven hundred and fifty dollars	\$11,750 00
222	For services other than personal, printing the annual report, and for office supplies and equipment, a sum not exceeding seventy-six hundred and thirty-five dollars	7,635 00
223	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, a sum not exceeding three hundred twelve thousand dollars	312,000 00
	Total	<hr/> \$331,385 00

Service of the Emergency Finance Board.

224	For administrative expenses of the emergency finance board, a sum not exceeding nineteen thousand dollars	\$19,000 00
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Service of the State Emergency Public Works Commission.

Item

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|-----|---|-------------|
| 225 | For expenses of the board appointed to formulate projects or perform any act necessary to enable the commonwealth to receive certain benefits provided by the National Industrial Recovery Act, a sum not exceeding thirteen thousand three hundred and twenty-five dollars | \$13,325 00 |
|-----|---|-------------|

Requirements for Extinguishing the State Debt.

- | | | |
|-----|--|----------------|
| 226 | For sinking fund requirements and for certain serial bonds maturing during the present year, the sum of five million five hundred sixty-three thousand six hundred thirty-one dollars and eighty-three cents, of which sum five million fifty-four thousand two hundred ninety-eight dollars and fifty cents shall be paid from the Highway Fund | \$5,563,631 83 |
|-----|--|----------------|

Interest on the Public Debt.

- | | | |
|-----|---|--------------|
| 227 | For the payment of interest on the direct debt of the commonwealth, a sum not exceeding seven hundred twenty-five thousand five hundred sixty dollars and eighty-three cents, of which sum four hundred forty-nine thousand three hundred thirty-eight dollars and seventy-five cents shall be paid from the Highway Fund | \$725,560 83 |
|-----|---|--------------|

Service of the Auditor of the Commonwealth.

- | | | |
|-----------------|---|-------------|
| 228 | For the salary of the auditor, a sum not exceeding six thousand dollars | \$6,000 00 |
| 229 | For personal services of deputies and other assistants, a sum not exceeding sixty-six thousand dollars | 66,000 00 |
| 230 | For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding sixty-five hundred dollars | 6,500 00 |
| Total | | \$78,500 00 |

Service of the Attorney General's Department.

- | | | |
|-----------------|--|--------------|
| 231 | For the salary of the attorney general, a sum not exceeding eight thousand dollars | \$8,000 00 |
| 232 | For the compensation of assistants in his office, and for such other legal and personal services as may be required, a sum not exceeding one hundred thirty-four thousand five hundred dollars | 134,500 00 |
| 233 | For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding ten thousand five hundred dollars | 10,500 00 |
| 234 | For the settlement of certain claims, as provided by law, on account of damages by cars owned by the commonwealth and operated by state employees, a sum not exceeding twelve thousand dollars | 12,000 00 |
| 235 | For the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding eight thousand dollars | 8,000 00 |
| Total | | \$173,000 00 |

Service of the Department of Agriculture.

Item		
236	For the salary of the commissioner, a sum not exceeding six thousand dollars . . .	\$6,000 00
237	For personal services of clerks and stenographers, a sum not exceeding twenty-six thousand five hundred dollars . . .	26,500 00
238	For traveling expenses of the commissioner, a sum not exceeding eight hundred dollars . . .	800 00
239	For services other than personal, printing the annual report, office supplies and equipment, and printing and furnishing trespass posters, a sum not exceeding seven thousand dollars . . .	7,000 00
240	For compensation and expenses of members of the advisory board, a sum not exceeding fifteen hundred dollars . . .	1,500 00
241	For services and expenses of apiary inspection, a sum not exceeding two thousand dollars . . .	2,000 00
	Division of Dairying and Animal Husbandry:	
242	For personal services, a sum not exceeding sixteen thousand three hundred dollars . . .	16,300 00
243	For other expenses, including the enforcement of the dairy laws of the commonwealth, a sum not exceeding sixty-five hundred dollars . . .	6,500 00
244	For administering the law relative to the inspection of barns and dairies by the department of agriculture, a sum not exceeding twenty-eight thousand eight hundred dollars . . .	28,800 00
245	For expenses of administering sections forty-two A to forty-two K, inclusive, of chapter ninety-four of the General Laws, as appearing in section two of chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-three and as amended, relative to the licensing and bonding of milk dealers, a sum not exceeding five thousand dollars . . .	5,000 00
	Division of Plant Pest Control:	
246	For personal services, a sum not exceeding seventy-five hundred and eighty dollars . . .	7,580 00
247	For other expenses, a sum not exceeding forty-three hundred dollars . . .	4,300 00
	Division of Markets:	
248	For personal services, a sum not exceeding twenty-nine thousand nine hundred dollars . . .	29,900 00
249	For other expenses, a sum not exceeding eight thousand dollars . . .	8,000 00
	Division of Reclamation, Soil Survey and Fairs:	
250	For personal services, a sum not exceeding eleven thousand one hundred dollars . . .	11,100 00
251	For travel and other expenses, a sum not exceeding fifty-three hundred dollars . . .	5,300 00
252	For state prizes and agricultural exhibits, including allotment of funds for the 4-H club activities, a sum not exceeding twenty-nine thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year . . .	29,000 00
	Total . . .	\$195,580 00

Item

Milk Control Board:

253	For personal services of members of the board and their employees, a sum not exceeding ninety-seven thousand dollars	\$97,000 00
254	For other administrative expenses of the board for the present and the previous year, including office expenses, rent, travel and special services, a sum not exceeding sixty-six thousand dollars	66,000 00
	Total	<u>\$163,000 00</u>

Division of Livestock Disease Control:

255	For the salary of the director, a sum not exceeding four thousand dollars	\$4,000 00
256	For personal services of clerks and stenographers, a sum not exceeding twenty-six thousand six hundred and seventy dollars	26,670 00
257	For services other than personal, including printing the annual report, traveling expenses of the director, office supplies and equipment, and rent, a sum not exceeding nine thousand dollars	9,000 00
258	For personal services of veterinarians and agents engaged in the work of extermination of contagious diseases among domestic animals, a sum not exceeding sixty-nine thousand dollars	69,000 00
259	For traveling expenses of veterinarians and agents, including the cost of any motor vehicles purchased for their use, a sum not exceeding twenty thousand dollars	20,000 00
260	For reimbursement of owners of horses killed during the present and previous years, travel, when allowed, of inspectors of animals, incidental expenses of killing and burial, quarantine and emergency services, and for laboratory and veterinary supplies and equipment, a sum not exceeding forty-eight hundred dollars	4,800 00
261	For reimbursement of owners of tubercular cattle killed, as authorized by section twelve A of chapter one hundred and twenty-nine of the General Laws, as appearing in the Tercentenary Edition thereof, and in accordance with certain provisions of law and agreements made under authority of section thirty-three of said chapter one hundred and twenty-nine, as amended, during the present and the previous year, a sum not exceeding forty-three thousand three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	43,300 00
	Total	<u>\$176,770 00</u>

Reimbursement of towns for inspectors of animals:

262	For the reimbursement of certain towns for compensation paid to inspectors of animals, a sum not exceeding fifty-two hundred dollars	\$5,200 00
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Specials:

263	For work in protecting the pine trees of the commonwealth from white pine blister rust, and for payments of claims on account of currant and gooseberry bushes destroyed in the work of suppressing white pine blister rust, a sum not exceeding three thousand dollars	\$3,000 00
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Item		
264	For quarantine and other expenses in connection with the work of suppression of the European corn-borer, so called, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
265	For quarantine and other expenses in connection with the work of suppression of the Japanese beetle, so called, a sum not exceeding thirty-four hundred dollars	3,400 00
266	For the cost of work of inspecting certain orchards of the commonwealth to provide for effective apple pest control, a sum not exceeding twenty-five hundred dollars	2,500 00
	Total	<u>\$11,900 00</u>

State Reclamation Board:

267	For expenses of the board, a sum not exceeding twelve thousand dollars	\$12,000 00
268	For the maintenance and construction of drainage ditches, as authorized by chapter three hundred and fifteen of the acts of nineteen hundred and thirty-one, as amended by section one of chapter two hundred and fifty of the acts of nineteen hundred and thirty-five, a sum not exceeding thirty-three thousand dollars, the same to be assessed upon certain towns as required by law and to be in addition to any amount heretofore appropriated for the purpose	33,000 00
	Total	<u>\$45,000 00</u>

Service of the Department of Conservation.

Administration:

269	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
270	For traveling expenses of the commissioner, a sum not exceeding eight hundred dollars	800 00
271	For telephone service and certain other office charges of the department, a sum not exceeding twenty-four hundred dollars	2,400 00
272	For personal services of a telephone operator and office boy, a sum not exceeding twenty-two hundred dollars	2,200 00
	Total	<u>\$11,400 00</u>

Division of Forestry:

273	For personal services of office assistants, a sum not exceeding fifteen thousand and sixty dollars	\$15,060 00
274	For services other than personal, including printing the annual report, and for traveling expenses, necessary office supplies and equipment, and rent, a sum not exceeding ninety-eight hundred dollars	9,800 00
275	For aiding towns in the purchase of equipment for extinguishing forest fires and for making protective belts or zones as a defence against forest fires, for the present and previous years, a sum not exceeding one thousand dollars	1,000 00
276	For personal services of the state fire warden and his assistants, and for other services, including traveling expenses of the state fire warden and	

Item		
	his assistants, necessary supplies and equipment and materials used in new construction in the forest fire prevention service, a sum not exceeding seventy-four thousand six hundred dollars . . .	\$74,600 00
277	For the suppression of the gypsy and brown tail moths, and for expenses incidental thereto, a sum not exceeding fifty thousand two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year.	50,200 00
278	For the development of state forests, including salaries and expenses of foresters and the cost of maintenance of such nurseries as may be necessary for the growing of seedlings for the planting of state forests, as authorized by sections one, six, nine and thirty to thirty-six, inclusive, of chapter one hundred and thirty-two of the General Laws, as amended, a sum not exceeding one hundred thirty-six thousand six hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year . . .	136,600 00
278a	For the construction of a certain dam in the town of Middlefield, a sum not exceeding fifteen thousand dollars, to be expended subject to the conditions of chapter one hundred and eight of the acts of the present year . . .	15,000 00
278b	For expenses of certain Works Progress Administration projects in state forests, a sum not exceeding ten thousand dollars . . .	10,000 00
279	For the settlement of a certain case for land taking in the city of Fall River for state forestry purposes, a sum not exceeding thirteen thousand eight hundred nineteen dollars and thirty-nine cents . . .	13,819 39
280	For reimbursement to certain towns, as authorized by section twenty-four of chapter forty-eight of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding three hundred dollars . . .	300 00
281	For the expenses of forest fire patrol, as authorized by section twenty-eight A of said chapter forty-eight, as so appearing, a sum not exceeding sixty-two hundred and eighty-five dollars . . .	6,285 00
	Total	\$332,664 39

Division of Parks:

282	For the development of recreational opportunities in state forests, including personal services and other expenses, a sum not exceeding thirty-seven thousand dollars . . .	\$37,000 00
283	For personal services for certain administrative purposes and for certain consulting services, a sum not exceeding ninety-three hundred dollars . . .	9,300 00
284	For travel and other administrative expenses, including supplies for reservation improvements, a sum not exceeding fifty-nine hundred dollars . . .	5,900 00
285	For the maintenance of the Standish monument reservation, a sum not exceeding two thousand dollars	2,000 00

Item		
286	For certain repairs to the Myles Standish monument, a sum not exceeding thirty-five hundred dollars	\$3,500 00
287	For the maintenance of Salisbury beach reservation, a sum not exceeding nineteen thousand five hundred dollars	19,500 00
288	For expenses for improvement of Salisbury beach, either in the form of Works Progress Administration projects or with the co-operation of the Civilian Conservation Corps, a sum not exceeding twenty-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	25,000 00
	Total	\$102,200 00
Division of Fisheries and Game:		
289	For the salary of the director, a sum not exceeding five thousand dollars	\$5,000 00
290	For personal services of office assistants, a sum not exceeding twenty-two thousand dollars	22,000 00
291	For services other than personal, including printing the annual report, traveling expenses and necessary office supplies and equipment, and rent, a sum not exceeding eleven thousand dollars	11,000 00
292	For expenses of exhibitions and other measures to increase the interest of the public in the protection and propagation of fish and game, a sum not exceeding fifteen hundred dollars	1,500 00
Enforcement of laws:		
293	For personal services of conservation officers, a sum not exceeding seventy-four thousand five hundred and twenty dollars	74,520 00
294	For traveling expenses of conservation officers, and for other expenses necessary for the enforcement of the laws, a sum not exceeding thirty-one thousand eight hundred dollars	31,800 00
Biological work:		
295	For personal services to carry on biological work, a sum not exceeding sixty-nine hundred dollars	6,900 00
296	For traveling and other expenses of the biologist and his assistants, a sum not exceeding twenty-nine hundred dollars	2,900 00
Propagation of game birds, etc.:		
297	For personal services of employees at game farms and fish hatcheries, a sum not exceeding sixty-eight thousand six hundred and eighty dollars	68,680 00
298	For other maintenance expenses of game farms and fish hatcheries, and for the propagation of game birds and animals and food fish, a sum not exceeding one hundred seventeen thousand eight hundred dollars	117,800 00
Damages by wild deer and wild moose:		
299	For the payment of damages caused by wild deer and wild moose, for the present year and previous years, as provided by law, a sum not exceeding seventy-five hundred dollars	7,500 00

Item		
	Supervision of public fishing and hunting grounds:	
300	For personal services, a sum not exceeding fifty-one hundred and fifty dollars	\$5,150 00
301	For other expenses, a sum not exceeding nineteen hundred dollars	1,900 00
302	For expenses of providing for the establishment and maintenance of public fishing grounds, a sum not exceeding thirty-six hundred dollars	3,600 00
	Protection of wild life:	
303	For personal services, a sum not exceeding forty-six hundred and fifty dollars	4,650 00
304	For other expenses, a sum not exceeding twenty-seven hundred dollars	2,700 00
	Marine fisheries:	
305	For personal services for regulating the sale and cold storage of fresh food fish, a sum not exceeding fifteen thousand seven hundred dollars	15,700 00
306	For other expenses of regulating the sale and cold storage of fresh food fish, a sum not exceeding four thousand dollars	4,000 00
	State Supervisor of Marine Fisheries:	
307	For personal services of the state supervisor of marine fisheries and his assistants, a sum not exceeding thirteen thousand nine hundred and eighty dollars	13,980 00
308	For office and other expenses of the state supervisor of marine fisheries, a sum not exceeding seventy-five hundred dollars	7,500 00
	Enforcement of shellfish and other marine fishery laws:	
309	For personal services for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding thirty-four thousand dollars	34,000 00
310	For other expenses for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding eighteen thousand dollars	18,000 00
311	For expenses of purchasing lobsters, subject to the conditions imposed by section twenty-six of chapter one hundred and thirty of the General Laws, as appearing in section two of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, a sum not exceeding six thousand dollars	6,000 00
312	For the cost of assisting coastal cities and towns in the propagation of food fish and the suppression of enemies thereof, as authorized by section three A of chapter one hundred and thirty of the General Laws, inserted therein by chapter three hundred and twenty-four of the acts of nineteen hundred and thirty-five, a sum not exceeding twenty thousand dollars	20,000 00
	Total	<hr/> \$486,780 00
	Bounty on seals:	
313	For bounties on seals, a sum not exceeding one thousand dollars	\$1,000 00

<i>Service of the Department of Banking and Insurance.</i>	
Item	
	Division of Banks:
314	For the salary of the commissioner, a sum not exceeding six thousand dollars \$6,000 00
315	For services of deputy, directors, examiners and assistants, clerks, stenographers and experts, a sum not exceeding three hundred thirty-two thousand dollars 332,000 00
316	For services other than personal, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding sixty-two thousand dollars 62,000 00
	Total \$400,000 00
	Supervisor of Loan Agencies:
317	For personal services of supervisor and assistants, a sum not exceeding thirteen thousand eight hundred and ninety dollars \$13,890 00
318	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding two thousand dollars 2,000 00
	Total \$15,890 00
	Division of Insurance:
319	For the salary of the commissioner, a sum not exceeding six thousand dollars \$6,000 00
320	For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, a sum not exceeding two hundred fifty-eight thousand five hundred dollars, of which sum not more than thirty-five thousand dollars may be charged to the Highway Fund 258,500 00
321	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, a sum not exceeding sixty-seven thousand dollars 67,000 00
	Total \$331,500 00
	Board of Appeal on Fire Insurance Rates:
322	For expenses of the board, a sum not exceeding five hundred dollars \$500 00
	Division of Savings Bank Life Insurance:
323	For personal services of officers and employees, a sum not exceeding forty-six thousand eight hundred and fifty dollars \$46,850 00
324	For services other than personal, printing the annual report, traveling expenses, rent, publicity and equipment, a sum not exceeding seventeen thousand dollars 17,000 00
	Total \$63,850 00
<i>Service of the Department of Corporations and Taxation.</i>	
	Corporations and Tax Divisions:
325	For the salary of the commissioner, a sum not exceeding seventy-five hundred dollars \$7,500 00

Item

326	For the salaries of certain positions filled by the commissioner, with the approval of the governor and council, and for additional clerical and other assistance, a sum not exceeding two hundred fifty-one thousand dollars, of which sum not more than fifty thousand dollars may be charged to the Highway Fund to cover the estimated cost of collection of the gasoline tax, so called, and not more than fifty thousand dollars may be payable from fees collected under section twenty-seven of chapter one hundred and thirty-eight of the General Laws, as amended, to cover the estimated cost of collection of alcoholic beverages taxes, so called	\$251,000 00
327	For other services, necessary office supplies and equipment, travel, and for printing the annual report, other publications and valuation books, a sum not exceeding forty-six thousand two hundred dollars	46,200 00
328	For expenses of the department for legal services, evidence and other information relative to domicile cases, a sum not exceeding thirty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	30,000 00
329	For the premium on a certain bond filed in the state of Texas to permit suit in that state to recover judgment against Edgar B. Davis in relation to an unpaid income tax, a sum not exceeding fourteen thousand dollars, the same to be paid from receipts from the income tax	14,000 00
Total		<u>\$348,700 00</u>

Income Tax Division (the two following appropriations are to be made from the receipts from the income tax):

330	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, a sum not exceeding five hundred thirty-six thousand dollars	\$536,000 00
331	For services other than personal, and for traveling expenses, office supplies and equipment, and rent, a sum not exceeding one hundred seventy thousand dollars	170,000 00
Total		<u>\$706,000 00</u>

Division of Accounts:

332	For personal services, a sum not exceeding ninety-nine thousand dollars	\$99,000 00
333	For other expenses, a sum not exceeding eleven thousand two hundred dollars	11,200 00
334	For services and expenses of auditing and installing systems of municipal accounts, the cost of which is to be assessed upon the municipalities for which the work is done, a sum not exceeding one hundred eighty-five thousand dollars	185,000 00
335	For the expenses of certain books, forms and other material, which may be sold to cities and towns requiring the same for maintaining their system of accounts, a sum not exceeding twenty-one thousand dollars	21,000 00
336	For the administrative expenses of the county personnel board, a sum not exceeding seventy-three hundred dollars	7,300 00
Total		<u>\$323,500 00</u>

Item

Reimbursement for loss of taxes:	
337	For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the fiscal year ending November thirtieth, nineteen hundred and thirty-eight, a sum not exceeding one hundred sixty-two thousand eight hundred dollars
	\$162,800 00
Appellate Tax Board:	
338	For personal services of the members of the board and employees, a sum not exceeding ninety-five thousand three hundred and fifty dollars
	\$95,350 00
339	For services other than personal, traveling expenses, office supplies and equipment, and rent, a sum not exceeding twenty thousand dollars
	20,000 00
Total	
	\$115,350 00

Service of the Department of Education.

340	For the salary of the commissioner, a sum not exceeding nine thousand dollars	\$9,000 00
341	For personal services of officers, agents, clerks, stenographers and other assistants, but not including those employed in university extension work, a sum not exceeding one hundred eleven thousand sixty dollars	111,060 00
342	For traveling expenses of members of the advisory board and of agents and employees when required to travel in discharge of their duties, a sum not exceeding seventy-four hundred dollars	7,400 00
343	For services other than personal, necessary office supplies, and for printing the annual report and bulletins as provided by law, a sum not exceeding ninety-two hundred dollars	9,200 00
344	For expenses incidental to furnishing school committees with rules for testing the sight and hearing of pupils, a sum not exceeding three hundred dollars	300 00
345	For printing school registers and other school blanks for cities and towns, a sum not exceeding two thousand dollars	2,000 00
346	For assisting small towns in providing themselves with school superintendents, as provided by law, a sum not exceeding one hundred six thousand dollars	106,000 00
347	For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law, a sum not exceeding two hundred thousand dollars	200,000 00
348	For the reimbursement of certain towns for the transportation of pupils attending high schools outside the towns in which they reside, as provided by law, a sum not exceeding two hundred ten thousand dollars	210,000 00
349	For the reimbursement of certain cities and towns for a part of the expense of maintaining agricultural and industrial vocational schools, as provided by law, a sum not exceeding one million four hundred sixty-four thousand four hundred eighteen dollars and nine cents	1,464,418 09

Item		
350	For the expense of promotion of vocational rehabilitation in co-operation with the federal government, including rent, with the approval of the department of education, a sum not exceeding fifty-two thousand five hundred dollars	\$52,500 00
351	For aid to certain persons receiving instruction in the courses for vocational rehabilitation, as authorized by section twenty-two B of chapter seventy-four of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding four thousand dollars	4,000 00
352	For the training of teachers for vocational schools, to comply with the requirements of federal authorities under the provisions of the Smith-Hughes act, so called, a sum not exceeding thirty-one thousand seven hundred dollars	31,700 00
353	For the education of deaf and blind pupils of the commonwealth, as provided by section twenty-six of chapter sixty-nine of the General Laws, as amended, a sum not exceeding four hundred fifty thousand dollars	450,000 00
354	For expenses of holding teachers' institutes, a sum not exceeding two thousand dollars	2,000 00
355	For aid to certain pupils in state teachers' colleges, under the direction of the department of education, a sum not exceeding four thousand dollars	4,000 00
356	For assistance to children of certain war veterans, for the present and previous years, as authorized by chapter two hundred and sixty-three of the acts of nineteen hundred and thirty, a sum not exceeding eight thousand dollars	8,000 00
	Total	\$2,671,578 09

English-speaking Classes for Adults:

357	For personal services of administration, a sum not exceeding eleven thousand seven hundred dollars	\$11,700 00
358	For other expenses of administration, a sum not exceeding twenty-three hundred dollars	2,300 00
359	For reimbursement of certain cities and towns, a sum not exceeding sixty-five thousand dollars	65,000 00
	Total	\$79,000 00

University Extension Courses:

360	For personal services, a sum not exceeding one hundred fifty-one thousand dollars	\$151,000 00
361	For other expenses, a sum not exceeding thirty-three thousand dollars	33,000 00
	Total	\$184,000 00

Specials:

362	For the cost of printing the general laws relating to education, a sum not exceeding seven hundred and fifty dollars	\$750 00
363	For the cost of renovating and other work necessary to make available for the use of the department of education the old Art School building on Newbury street, Boston, including the expense of maintenance and operation for a part of the current fiscal year, a sum not exceeding twenty-four thousand seven hundred dollars	24,700 00
	Total	\$25,450 00

Item		
Division of Immigration and Americanization:		
364	For personal services, a sum not exceeding forty-two thousand nine hundred dollars	\$42,900 00
365	For other expenses, a sum not exceeding sixty-six hundred dollars	6,600 00
Total		<u>\$49,500 00</u>
Division of Public Libraries:		
366	For personal services of regular agents and office assistants, a sum not exceeding ten thousand five hundred dollars	\$10,500 00
367	For other services, including printing the annual report, traveling expenses, necessary office supplies and expenses incidental to the aiding of public libraries, a sum not exceeding ten thousand dollars	10,000 00
Total		<u>\$20,500 00</u>
Division of the Blind:		
368	For general administration, furnishing information, industrial and educational aid, and for carrying out certain provisions of the laws establishing said division, a sum not exceeding fifty thousand one hundred dollars	\$50,100 00
369	For the maintenance of local shops, a sum not exceeding sixty-eight thousand one hundred and eighty dollars	68,180 00
370	For maintenance of Woolson House industries, so called, to be expended under the authority of said division, a sum not exceeding thirty-eight thousand dollars	38,000 00
371	For the maintenance of certain industries for men, to be expended under the authority of said division, a sum not exceeding one hundred fifty-one thousand dollars	151,000 00
372	For instruction of the adult blind in their homes, a sum not exceeding nineteen thousand nine hundred and forty dollars	19,940 00
373	For expenses of providing sight-saving classes, with the approval of said division, a sum not exceeding twenty thousand seven hundred and fifty dollars	20,750 00
374	For aiding the adult blind, subject to the conditions provided by law, a sum not exceeding one hundred twenty-five thousand dollars	125,000 00
375	For expenses of administering and operating the service of piano tuning and mattress renovating under section twenty-five of chapter sixty-nine of the General Laws, as amended by chapter three hundred and ninety-seven of the acts of nineteen hundred and thirty-five, a sum not exceeding twenty-two thousand dollars	22,000 00
Total		<u>\$494,970 00</u>
Teachers' Retirement Board:		
376	For personal services of employees, a sum not exceeding fourteen thousand six hundred dollars	\$14,600 00
377	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, and rent, a sum not exceeding five thousand dollars	5,000 00

Item

378	For payment of pensions to retired teachers, a sum not exceeding one million two hundred ninety thousand dollars	\$1,290,000 00
379	For reimbursement of certain cities and towns for pensions to retired teachers, a sum not exceeding two hundred ninety-seven thousand six hundred fifty-two dollars and forty-five cents	297,652 45
380	For payment into the annuity fund for the period of the year nineteen hundred and thirty-seven, in accordance with certain actuarial figures, a sum not exceeding thirty-one thousand six hundred forty-seven dollars and forty cents	31,647 40
Total		<u>\$1,638,899 85</u>

Massachusetts Nautical School:

381	For personal services of the secretary and office assistants, a sum not exceeding five thousand and thirty dollars	\$5,030 00
382	For services other than regular clerical services, including printing the annual report, rent, office supplies and equipment, a sum not exceeding twenty-one hundred dollars	2,100 00
383	For the maintenance of the school and ship, a sum not exceeding eighty-seven thousand six hundred and fifty dollars	87,650 00
Total		<u>\$94,780 00</u>

For the maintenance of and for certain improvements at the state teachers' colleges, and the boarding halls attached thereto, with the approval of the commissioner of education, as follows:

384	State teachers' college at Bridgewater, a sum not exceeding one hundred sixty thousand one hundred and seventy dollars	\$160,170 00
385	State teachers' college at Bridgewater, boarding hall, a sum not exceeding fifty-three thousand nine hundred and fifty dollars	53,950 00
385a	For certain grading and improvement of the lower campus at the state teachers' college at Bridgewater, a sum not exceeding forty-five hundred dollars	4,500 00
386	State teachers' college at Fitchburg, a sum not exceeding one hundred eighty-one thousand two hundred and ninety-five dollars	181,295 00
387	State teachers' college at Fitchburg, boarding hall, a sum not exceeding thirty-one thousand three hundred dollars	31,300 00
387a	For renovation of electric wiring in certain buildings at the state teachers' college at Fitchburg, a sum not exceeding thirty-five hundred dollars	3,500 00
388	State teachers' college at Framingham, a sum not exceeding one hundred fifty-six thousand and twenty dollars	156,020 00
389	State teachers' college at Framingham, boarding hall, a sum not exceeding fifty-eight thousand one hundred and twenty dollars	58,120 00
390	State teachers' college at Hyannis, a sum not exceeding sixty-six thousand seven hundred and seventy-five dollars	66,775 00
391	State teachers' college at Hyannis, boarding hall, a sum not exceeding seventeen thousand six hundred dollars	17,600 00

Item		
391a	For rebuilding and improving certain walks and drives at the state teachers' college at Hyannis, a sum not exceeding four thousand dollars	\$4,000 00
392	State teachers' college at Lowell, a sum not exceeding seventy-seven thousand five hundred dollars	77,500 00
393	State teachers' college at North Adams, a sum not exceeding sixty-six thousand six hundred and thirty-five dollars	66,635 00
394	State teachers' college at North Adams, boarding hall, a sum not exceeding ten thousand eight hundred dollars	10,800 00
395	State teachers' college at Salem, a sum not exceeding one hundred twenty thousand three hundred and fifty dollars	120,350 00
395a	For the cost of painting the buildings of the state teachers' college at Salem, a sum not exceeding eighty-five hundred dollars	8,500 00
395b	For grading the athletic field at the state teachers' college at Salem, a sum not exceeding two thousand dollars	2,000 00
396	State teachers' college at Westfield, a sum not exceeding seventy-three thousand four hundred and five dollars	73,405 00
397	State teachers' college at Westfield, boarding hall, a sum not exceeding seventeen hundred dollars	1,700 00
397a	For replacing boilers in the training school building at the state teachers' college at Westfield, a sum not exceeding forty-five hundred dollars	4,500 00
398	State teachers' college at Worcester, a sum not exceeding ninety-eight thousand and seventy-five dollars	98,075 00
399	Massachusetts School of Art, a sum not exceeding one hundred nine thousand one hundred dollars	109,100 00
Total		<u>\$1,309,795 00</u>

Textile Schools:

400	For the maintenance of the Bradford Durfee textile school of Fall River, with the approval of the commissioner of education and the trustees, a sum not exceeding sixty-nine thousand two hundred and fifty dollars, of which sum ten thousand dollars is to be assessed upon the city of Fall River as a part of the state tax for the current year	\$69,250 00
401	For the maintenance of the Lowell textile institute, with the approval of the commissioner of education and the trustees, a sum not exceeding one hundred eighty-two thousand four hundred and forty-five dollars, of which sum ten thousand dollars is to be assessed upon the city of Lowell as a part of the state tax for the current year	182,445 00
401a	For the purchase and installation of equipment in the new chemistry building at the Lowell textile institute, with the approval of the commissioner of education and the trustees, a sum not exceeding fifty thousand dollars	50,000 00
402	For the maintenance of the New Bedford textile school, with the approval of the commissioner of education and the trustees, a sum not exceeding seventy thousand six hundred and fifty dollars, of which sum ten thousand dollars is to be assessed upon the city of New Bedford as a part of the state tax for the current year	70,650 00

Item

402a	For the purchase and installation of equipment at the New Bedford textile school, with the approval of the commissioner of education and the trustees, a sum not exceeding forty thousand dollars	\$40,000 00
	Total	\$412,345 00

Massachusetts State College:

403	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, a sum not exceeding one million one hundred twenty thousand six hundred and twenty dollars	\$1,120,620 00
404	For an emergency fund to meet the needs of harvesting big crops of the control service or other unforeseen conditions, which clearly indicate that additional revenue will be produced to equal the expenditure, a sum not exceeding three thousand dollars; provided, however, that this appropriation be available only after approval of particular projects covered by it has been obtained from the governor and council	3,000 00
405	For aid to certain students, with the approval of the trustees, a sum not exceeding five thousand dollars	5,000 00
406	For the cost of field and laboratory work in connection with the Dutch elm disease and other shade tree diseases and insects, a sum not exceeding five thousand dollars	5,000 00
407	For the cost of renovating electric wiring, a sum not exceeding four thousand dollars	4,000 00
408	For repairing ammonia compressor and refrigerator boxes, a sum not exceeding fifteen hundred dollars	1,500 00
409	For certain improvements at Draper Hall, a sum not exceeding twelve hundred dollars	1,200 00
410	For rebuilding certain laboratory tables, a sum not exceeding three thousand dollars	3,000 00
411	For the purchase of supplies and services necessary for the completion of the Works Progress Administration project for the women's athletic field and tennis courts, a sum not exceeding fifteen hundred dollars	1,500 00
411a	For the replacement of certain barns and other structures and equipment destroyed by fire, including necessary improvements, a sum not exceeding twenty-five thousand dollars	25,000 00
	Total	\$1,169,820 00

Service of the Department of Civil Service and Registration.

Administration:

412	For personal services of telephone operator of the department and for service of telephone tolls, a sum not exceeding eighteen hundred and fifty dollars	\$1,850 00
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Division of Civil Service:

413	For the salaries of the commissioner and associate commissioners, a sum not exceeding nine thousand dollars	\$9,000 00
414	For other personal services of the division, a sum not exceeding one hundred fifty-six thousand dollars	156,000 00

Item

415	For other services and for printing the annual report, and for office supplies and equipment necessary for the administration of the civil service law, a sum not exceeding thirty-four thousand dollars .	\$34,000 00
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Total	\$199,000 00
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Division of Registration:

416	For the salary of the director, a sum not exceeding twenty-four hundred dollars .	\$2,400 00
417	For clerical and certain other personal services of the division, a sum not exceeding fifty-five thousand three hundred dollars .	55,300 00
418	For services of the division other than personal, printing the annual reports, office supplies and equipment, except as otherwise provided, a sum not exceeding thirteen thousand five hundred dollars .	13,500 00

Total	\$71,200 00
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Board of Registration in Medicine:

419	For personal services of the members of the board, a sum not exceeding sixty-three hundred dollars .	\$6,300 00
420	For traveling expenses, a sum not exceeding seven hundred and fifty dollars .	750 00

Total	\$7,050 00
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Board of Dental Examiners:

421	For personal services of the members of the board, a sum not exceeding thirty-eight hundred dollars .	\$3,800 00
422	For traveling expenses, a sum not exceeding nine hundred and fifty dollars .	950 00
423	For travel and other expenses necessary in providing for the enforcement of law relative to the registration of dentists, a sum not exceeding fifteen hundred dollars .	1,500 00

Total	\$6,250 00
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Board of Registration in Pharmacy:

424	For personal services of members of the board, a sum not exceeding forty-three hundred dollars .	\$4,300 00
425	For personal services of agents, a sum not exceeding ninety-nine hundred dollars .	9,900 00
426	For traveling expenses, a sum not exceeding six thousand dollars .	6,000 00

Total	\$20,200 00
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Board of Registration of Nurses:

427	For personal services of members of the board, a sum not exceeding twenty-one hundred dollars .	\$2,100 00
428	For traveling expenses, a sum not exceeding eight hundred dollars .	800 00

Total	\$2,900 00
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Board of Registration in Embalming and Funeral Directing:

429	For personal services of members of the board, a sum not exceeding fifteen hundred dollars .	\$1,500 00
430	For traveling expenses, a sum not exceeding nineteen hundred and fifty dollars .	1,950 00

Item		
431	For the dissemination of useful knowledge among and for the benefit of licensed embalmers, a sum not exceeding five hundred dollars	\$500 00
	Total	\$3,950 00
	Board of Registration in Optometry:	
432	For personal services of members of the board, a sum not exceeding nineteen hundred dollars	\$1,900 00
433	For traveling expenses, a sum not exceeding eight hundred dollars	800 00
	Total	\$2,700 00
	Board of Registration in Veterinary Medicine:	
434	For personal services of the members of the board, a sum not exceeding six hundred dollars	\$600 00
435	For other services, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding three hundred dollars	300 00
	Total	\$900 00
	State Examiners of Electricians:	
436	For personal services of the members of the board, a sum not exceeding one thousand dollars	\$1,000 00
437	For traveling expenses, a sum not exceeding fifty-three hundred dollars	5,300 00
	Total	\$6,300 00
	Board of Registration of Public Accountants:	
438	For personal services of members of the board, a sum not exceeding six hundred and seventy-five dollars	\$675 00
439	For expenses of examinations, including the preparation and marking of papers, and for other expenses, a sum not exceeding eighteen hundred dollars	1,800 00
	Total	\$2,475 00
	State Examiners of Plumbers:	
440	For personal services of the members of the board, a sum not exceeding eleven hundred dollars	\$1,100 00
441	For traveling expenses, a sum not exceeding two thousand dollars	2,000 00
	Total	\$3,100 00
	Board of Registration of Barbers:	
442	For personal services of the members of the board and assistants, a sum not exceeding eighteen thousand one hundred and seventy dollars	\$18,170 00
443	For travel and other necessary expenses, a sum not exceeding eighty-three hundred dollars	8,300 00
	Total	\$26,470 00
	Board of Registration of Hairdressers:	
444	For personal services of the members of the board and assistants, a sum not exceeding twenty-nine thousand three hundred dollars	\$29,300 00

Item		
445	For travel and other necessary expenses, including rent, a sum not exceeding sixteen thousand dollars	\$16,000 00
	Total	\$45,300 00
	Board of Registration in Chiropody:	
446	For personal services of the members of the board, a sum not exceeding nine hundred dollars	\$900 00
447	For traveling expenses, a sum not exceeding three hundred dollars	300 00
	Total	\$1,200 00

Service of the Department of Industrial Accidents.

448	For personal services of members of the board, a sum not exceeding forty-two thousand five hundred dollars	\$42,500 00
449	For personal services of secretaries, medical adviser, inspectors, clerks and office assistants, a sum not exceeding one hundred forty-seven thousand seven hundred dollars	147,700 00
450	For expenses of impartial examinations, a sum not exceeding twenty thousand dollars	20,000 00
451	For expenses of industrial disease referees, as authorized by section nine B of chapter one hundred and fifty-two of the General Laws, inserted by chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-five, a sum not exceeding fifty-five hundred dollars	5,500 00
452	For traveling expenses, a sum not exceeding eighty-two hundred and fifty dollars	8,250 00
453	For other services, printing the annual report, necessary office supplies and equipment, a sum not exceeding fifteen thousand four hundred and fifty dollars	15,450 00
	Total	\$239,400 00

Service of the Department of Labor and Industries.

454	For the salaries of the commissioner, assistant and associate commissioners, a sum not exceeding twenty-three thousand five hundred dollars	\$23,500 00
455	For clerical and other assistance to the commissioner, a sum not exceeding seventy-seven hundred dollars	7,700 00
456	For personal services for the inspectional service and for traveling expenses of the commissioner, assistant commissioner, associate commissioners and inspectors of labor, and for services other than personal, printing the annual report, rent of district offices, and office supplies and equipment for the inspectional service, a sum not exceeding one hundred seventy thousand dollars	170,000 00
457	For personal services for the division of occupational hygiene, a sum not exceeding eleven thousand seven hundred and sixty dollars	11,760 00
458	For services other than personal, traveling expenses, office and laboratory supplies and equipment, and rent, for the division of occupational hygiene, a sum not exceeding six thousand dollars	6,000 00
459	For personal services for the statistical service and for services other than personal, printing report	

Item		
	and publications, traveling expenses and office supplies and equipment for the statistical service, a sum not exceeding seventy-two thousand five hundred dollars	\$72,500 00
460	For personal services for the division on necessities of life, a sum not exceeding thirteen thousand one hundred dollars	13,100 00
461	For services other than personal, traveling expenses, office supplies and equipment for the division on necessities of life, a sum not exceeding nineteen hundred dollars	1,900 00
462	For clerical and other assistance for the board of conciliation and arbitration, a sum not exceeding twenty thousand three hundred dollars	20,300 00
463	For other services, printing, traveling expenses and office supplies and equipment for the board of conciliation and arbitration, a sum not exceeding forty-five hundred dollars	4,500 00
464	For personal services of investigators, clerks and stenographers for the minimum wage service, a sum not exceeding seventeen thousand five hundred dollars	17,500 00
465	For compensation and expenses of wage boards, a sum not exceeding thirty-five hundred dollars	3,500 00
466	For services other than personal, printing, traveling expenses and office supplies and equipment for minimum wage service, a sum not exceeding thirty-five hundred dollars	3,500 00
467	For personal services for the division of standards, a sum not exceeding thirty-two thousand seven hundred dollars	32,700 00
468	For other services, printing, traveling expenses and office supplies and equipment for the division of standards, a sum not exceeding thirteen thousand dollars	13,000 00
	Total	<u>\$401,460 00</u>

Massachusetts Development and Industrial Commission:

469	For personal services of employees, a sum not exceeding eighty-nine hundred dollars	\$8,900 00
470	For administrative expenses, including office rent and other incidental expenses, and for the promotion and development of the industrial, agricultural and recreational resources of the commonwealth, a sum not exceeding one hundred four thousand eight hundred dollars, of which sum thirty-four thousand five hundred dollars shall be available for expenditure under the direction of the New England Council for its activities after the other New England states have made available the required contributions toward its expenses. Should the other New England states fail to make available their required contributions, said thirty-four thousand five hundred dollars shall be available for the above mentioned purposes of the commission. The sum herein appropriated shall be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	104,800 00
	Total	<u>\$113,700 00</u>

Item	
Labor Relations Commission:	
471	For personal services of the commissioners and employees, a sum not exceeding forty-nine thousand dollars \$49,000 00
472	For administrative expenses, including office rent, a sum not exceeding twelve thousand nine hundred dollars 12,900 00
	Total \$61,900 00
Unemployment Compensation Commission:	
473	For clerical and other personal services for the operation of free employment offices, a sum not exceeding eighty-four thousand one hundred and fifty-eight dollars \$84,158 00
474	For rent, necessary office supplies and equipment for the free employment offices, a sum not exceeding eighteen thousand seven hundred and eighty dollars 18,780 00
	Total \$102,938 00
<i>Service of the Department of Mental Diseases.</i>	
475	For the salary of the commissioner, a sum not exceeding ten thousand dollars \$10,000 00
476	For personal services of officers and employees, a sum not exceeding one hundred forty-five thousand dollars 145,000 00
477	For transportation and medical examination of state charges under its charge for the present year and previous years, a sum not exceeding five thousand dollars 5,000 00
478	For the support of state charges in the Hospital Cottages for Children, a sum not exceeding twenty-one thousand four hundred dollars 21,400 00
479	For other services, including printing the annual report, traveling expenses, office supplies and equipment, and rent, a sum not exceeding thirty-five thousand seven hundred dollars 35,700 00
	Total \$217,100 00
Division of Mental Hygiene:	
480	For the expenses of investigating the nature, causes and results of mental diseases and defects and the publication of the results thereof; and of what further preventive or other measures might be taken and what further expenditures for investigation might be made which would give promise of decreasing the number of persons afflicted with mental diseases or defects, a sum not exceeding ninety-nine thousand eight hundred sixty-four dollars and sixty-two cents \$99,864 62
Special:	
481	For the cost of boarding certain feeble-minded persons in private homes, a sum not exceeding five thousand dollars \$5,000 00
For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Diseases:	
482	Boston psychopathic hospital, a sum not exceeding two hundred fifty-five thousand one hundred and fifty dollars \$255,150 00

Item		
483	Boston state hospital, a sum not exceeding one million one hundred seventy-two thousand three hundred and eighty dollars	\$1,172,380 00
484	Danvers state hospital, a sum not exceeding nine hundred twenty-five thousand one hundred and ninety dollars	925,190 00
485	For the renovation of certain electric wiring at the Danvers state hospital, a sum not exceeding seventeen thousand six hundred dollars	17,600 00
486	For reslating a certain roof at the Danvers state hospital, a sum not exceeding sixty-five hundred dollars	6,500 00
487	For the purchase and placing of linoleum at the Danvers state hospital, a sum not exceeding five thousand dollars	5,000 00
488	Foxborough state hospital, a sum not exceeding five hundred eighty-seven thousand three hundred and ten dollars	587,310 00
489	For completing and equipping a certain hydrotherapeutic suite at the Foxborough state hospital, a sum not exceeding twenty-four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,400 00
490	For extension of the sprinkler system at the Foxborough state hospital, a sum not exceeding three thousand dollars	3,000 00
491	For relocating and remodeling a certain hydrotherapeutic suite at the Foxborough state hospital, a sum not exceeding ten thousand dollars	10,000 00
492	For the purchase of certain land, including expenses incidental thereto, for the Foxborough state hospital, a sum not exceeding fifteen thousand dollars	15,000 00
493	Gardner state hospital, a sum not exceeding six hundred twenty-one thousand six hundred and ten dollars	621,610 00
494	For the improvement of fire protection in certain cottages at the Gardner state hospital, a sum not exceeding ten thousand dollars	10,000 00
495	Grafton state hospital, a sum not exceeding six hundred ninety-one thousand nine hundred and ninety dollars	691,990 00
496	For the purchase and installation of stokers and for other alterations and improvements in the power plant at the Grafton state hospital, a sum not exceeding twenty-five thousand dollars, the same to be in addition to the amount appropriated by Item 490 of section two of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven, and the unexpended balance of said Item 490 is hereby made available for the purposes of this item	25,000 00

The sums appropriated by Item 489a of section two of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven and made available for the construction of a ward building in the Pines group of the Grafton state hospital and for the construction of additional kitchen space and dining room space, including certain equipment, are hereby increased by the sum of sixty thousand dollars, and said increased amount is hereby made available for said purposes and shall be paid from the proceeds of the loan made and grants received under chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as amended.

Item		
497	Medfield state hospital, a sum not exceeding seven hundred forty-nine thousand nine hundred and thirty dollars . . .	\$749,930 00
498	For the cost of making improvements to provide additional fire protection at the Medfield state hospital, a sum not exceeding ten thousand dollars . . .	10,000 00
499	For the renovation of Ward R dining room at the Medfield state hospital, a sum not exceeding fifty-five hundred dollars . . .	5,500 00
500	For the renovation of toilets and baths at the Medfield state hospital, a sum not exceeding fifteen thousand dollars . . .	15,000 00
501	For the purchase and installation of a 300 K. W. turbo-generator at the Medfield state hospital, a sum not exceeding twenty-three thousand dollars . . .	23,000 00
502	Metropolitan state hospital, a sum not exceeding seven hundred thirty-five thousand four hundred dollars . . .	735,400 00
503	To provide for refunding an overcharge made by the commonwealth on account of electricity furnished to the Metropolitan state hospital, a sum not exceeding twenty-one hundred seventy-seven dollars and forty-four cents . . .	2,177 44
504	Northampton state hospital, a sum not exceeding seven hundred fifty-seven thousand six hundred and seventy dollars . . .	757,670 00
505	For the construction of a house at the Northampton state hospital to be used by the superintendent, including certain equipment, a sum not exceeding fifteen thousand dollars . . .	15,000 00
506	For remodeling and renovating space in the administration building at the Northampton state hospital, to be vacated by the superintendent, for a surgical suite and infirmary, including equipment, a sum not exceeding fifteen thousand dollars . . .	15,000 00
	The unexpended balance of the appropriation made by Item 482 of chapter one hundred and fifteen of the acts of nineteen hundred and thirty, for the purchase of additional land for the Northampton state hospital, and reappropriated by section three of chapter one hundred and seventy of the acts of nineteen hundred and thirty-two and by section three of chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-four, and by section two of chapter four hundred and thirty-two of the acts of nineteen hundred and thirty-six, is hereby again reappropriated.	
507	Taunton state hospital, a sum not exceeding seven hundred eleven thousand six hundred and eighty-five dollars . . .	711,685 00
508	For the renovation of baths and toilets at the Taunton state hospital, including the replacement of plumbing and expenses incidental thereto, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	10,000 00
509	For replacing certain electric wiring in the main building of the Taunton state hospital, a sum not exceeding twelve thousand dollars . . .	12,000 00
510	Westborough state hospital, a sum not exceeding six hundred ninety-one thousand and sixty dollars . . .	691,060 00
511	For improved fire protection at the Westborough state hospital, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	10,000 00

Item		
512	Worcester state hospital, a sum not exceeding one million one hundred five thousand one hundred and fifty dollars	\$1,105,150 00
513	For the purchase and installation of X-ray equipment at the Worcester state hospital, a sum not exceeding eight thousand dollars	8,000 00
514	For the purchase of certain medical equipment for the Worcester state hospital, a sum not exceeding five thousand dollars	5,000 00
515	For the purchase and installation of bake ovens at the Worcester state hospital, a sum not exceeding sixty-five hundred and fifty dollars	6,550 00
516	For the renovation of certain electric wiring at the Worcester state hospital, a sum not exceeding ten thousand dollars	10,000 00
517	For the renovation of certain plumbing at the Worcester state hospital, a sum not exceeding thirty-eight hundred dollars	3,800 00
518	Monson state hospital, a sum not exceeding seven hundred four thousand nine hundred and eighty-six dollars	704,986 00
519	For improved fire protection at the Monson state hospital, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	10,000 00
520	For the cost of additional wells for water supply purposes at the Monson state hospital, a sum not exceeding forty-seven hundred dollars	4,700 00
521	For the cost of a new dairy unit, including certain equipment, at the Monson state hospital, a sum not exceeding eleven thousand dollars	11,000 00
522	For improvements in the refrigeration system in the main kitchen of the Monson state hospital, a sum not exceeding six thousand dollars	6,000 00
523	Belchertown state school, a sum not exceeding five hundred thirty thousand three hundred and thirty dollars	530,330 00
524	For replacing certain brass pipe at the Belchertown state school, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00
525	For improvements in the temperature control system at the Belchertown state school, a sum not exceeding five thousand dollars	5,000 00
526	Walter E. Fernald state school, a sum not exceeding seven hundred seventy-nine thousand nine hundred dollars	779,900 00
527	For improvements in steam lines and other power plant facilities at the Walter E. Fernald state school, a sum not exceeding ten thousand dollars	10,000 00
528	Wrentham state school, a sum not exceeding six hundred seventy-eight thousand five hundred dollars	678,500 00
	Total	\$11,995,468 44

Service of the Department of Correction.

529	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
530	For personal services of deputies, members of the parole board and advisory board of pardons, agents, clerks and stenographers, a sum not exceeding one hundred twenty-nine thousand dollars	129,000 00

Item		
531	For services other than personal, including printing the annual report, necessary office supplies and equipment, a sum not exceeding seventy-eight hundred dollars	\$7,800 00
532	For traveling expenses of officers and employees of the department, when required to travel in the discharge of their duties, a sum not exceeding sixteen thousand dollars	16,000 00
533	For the removal of prisoners, to and from state institutions, a sum not exceeding seventy-five hundred dollars	7,500 00
534	For assistance to discharged prisoners, a sum not exceeding four hundred dollars	400 00
535	For the expense of the service of the central index, a sum not exceeding one thousand dollars	1,000 00
	Total	<u>\$167,700 00</u>

Division of Classification of Prisoners:

536	For expenses of the division hereby authorized, a sum not exceeding twenty-two thousand five hundred dollars; provided, that the persons employed hereunder shall not be subject to civil service laws or the rules and regulations made thereunder	\$22,500 00
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For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:

537	State farm, a sum not exceeding eight hundred thirty-one thousand eight hundred and forty dollars	\$831,840 00
538	For the purchase of materials for the replacement of a hay barn destroyed by fire at the State farm, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00
539	For the replacement and relocation of steam lines at the State farm, a sum not exceeding thirty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	30,000 00
540	(This item omitted.)	
541	(This item omitted.)	
541a	For the repair and replacement of certain window frames at the State farm, a sum not exceeding four thousand dollars	4,000 00
542	State prison, a sum not exceeding four hundred eighty-one thousand one hundred and fifty dollars	481,150 00
543	Massachusetts reformatory, a sum not exceeding five hundred seventy-five thousand nine hundred and fifty dollars	575,950 00
544	Reformatory for women, a sum not exceeding two hundred thirty-five thousand four hundred and twenty dollars	235,420 00
545	For continuing the work of pointing and improving the walls and masonry of buildings at the reformatory for women, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00
546	For painting the buildings at the reformatory for women, a sum not exceeding six thousand dollars	6,000 00
547	State prison colony, a sum not exceeding five hundred one thousand two hundred and fifty dollars	501,250 00

Item		
548	For the completion of a root storage cellar at the state prison colony, a sum not exceeding one thousand dollars	\$1,000 00
549	For the construction and erection of a sawmill building at the state prison colony, a sum not exceeding five hundred dollars	500 00
	Total	\$2,675,110 00

Service of the Department of Public Welfare.

Administration:

550	For the salary of the commissioner, a sum not exceeding seven thousand dollars	\$7,000 00
551	For personal services of officers and employees, a sum not exceeding fifty-three thousand dollars	53,000 00
552	For services other than personal, printing the annual report, traveling expenses, including expenses of auxiliary visitors, office supplies and expenses, a sum not exceeding fifty-five hundred dollars	5,500 00
	Total	\$65,500 00

State Board of Housing:

553	For personal services, a sum not exceeding fifteen thousand nine hundred dollars	\$15,900 00
554	For expenses, as authorized by section eighteen of chapter eighteen of the General Laws, inserted by section one of chapter three hundred and sixty-four of the acts of nineteen hundred and thirty-three, as amended, a sum not exceeding fifty-two hundred dollars	5,200 00
	Total	\$21,100 00

Division of Aid and Relief:

555	For personal services of officers and employees, a sum not exceeding two hundred thirty thousand dollars; and the employment of persons authorized under Item I of chapter sixty-nine of the acts of nineteen hundred and thirty-two may be continued, and shall not be subject to the civil service laws or the rules and regulations made thereunder	\$230,000 00
556	For services other than personal, including traveling expenses and office supplies and equipment, a sum not exceeding thirty-four thousand five hundred dollars	34,500 00

The following items are for reimbursement of cities and towns for expenses of the present year and previous years, and are to be in addition to any unexpended balances of appropriations made for the purpose in the previous year:

557	For the payment of suitable aid to certain dependent children, a sum not exceeding one million three hundred thousand dollars	1,300,000 00
558	For the burial by cities and towns of indigent persons who have no legal settlement, a sum not exceeding twelve thousand dollars	12,000 00
559	For expenses in connection with smallpox and other diseases dangerous to the public health, a sum not exceeding one hundred thirty thousand dollars	130,000 00
560	For the support of sick indigent persons who have no legal settlement, a sum not exceeding three hundred thousand dollars	300,000 00

Item

561	For temporary aid given to indigent persons with no legal settlement, and to shipwrecked seamen by cities and towns, and for the transportation of indigent persons under the charge of the department, a sum not exceeding four million dollars	\$4,000,000 00
	Old Age Assistance:	
562	For personal services required for the administration of old age assistance provided by chapter one hundred and eighteen A of the General Laws, as amended, a sum not exceeding one hundred six thousand four hundred and seventy dollars	106,470 00
563	For other expenses, including rent, travel, office supplies and other necessary expenses, required for the administration of old age assistance provided by said chapter one hundred and eighteen A, as amended, a sum not exceeding nineteen thousand five hundred dollars	19,500 00
	Total	\$6,132,470 00

Division of Child Guardianship:

564	For personal services of officers and employees, a sum not exceeding two hundred twenty-three thousand dollars	\$223,000 00
565	For services other than personal, office supplies and equipment, a sum not exceeding five thousand dollars	5,000 00
566	For tuition in the public schools, including transportation to and from school, of children boarded by the department, for the present and previous years, a sum not exceeding three hundred eight thousand dollars	308,000 00
567	For the care and maintenance of children, for the present and previous years, a sum not exceeding one million five hundred thousand dollars	1,500,000 00
	Total	\$2,036,000 00

Division of Juvenile Training, Trustees of Massachusetts Training Schools:

568	For services of the secretary and certain other persons employed in the executive office, a sum not exceeding fifteen thousand four hundred and fifty dollars	\$15,450 00
569	For services other than personal, including printing the annual report, traveling and other expenses of the members of the board and employees, office supplies and equipment, a sum not exceeding three thousand dollars	3,000 00

Boys' Parole:

570	For personal services of agents in the division for boys paroled and boarded in families, a sum not exceeding forty-seven thousand eight hundred and fifty dollars	47,850 00
571	For services other than personal, including traveling expenses of the agents and boys, and necessary office supplies and equipment, a sum not exceeding twenty-three thousand five hundred dollars	23,500 00
572	For board, clothing, medical and other expenses incidental to the care of boys, a sum not exceeding twenty-four thousand dollars	24,000 00

Item	
Girls' Parole:	
573	For personal services of agents in the division for girls paroled from the industrial school for girls, a sum not exceeding thirty-five thousand five hundred and fifty dollars . . . \$35,550 00
574	For traveling expenses of said agents for girls paroled, for board, medical and other care of girls, and for services other than personal, office supplies and equipment, a sum not exceeding twenty-one thousand five hundred dollars . . . 21,500 00
Tuition of children:	
575	For reimbursement of cities and towns for tuition of children attending the public schools, a sum not exceeding seven thousand dollars . . . 7,000 00
Total \$177,850 00	

For the maintenance of and for certain improvements at the institutions under the control of the trustees of the Massachusetts training schools, with the approval of said trustees, as follows:

576	Industrial school for boys, a sum not exceeding one hundred ninety-four thousand seven hundred dollars . . . \$194,700 00
577	Industrial school for girls, a sum not exceeding one hundred sixty thousand seven hundred dollars . . . 160,700 00
578	Lyman school for boys, a sum not exceeding three hundred six thousand one hundred and fifty dollars . . . 306,150 00
579	For changes and additions to the power plant at the Lyman school for boys, including high pressure water system for fire protection, renewal of certain water distributing lines and heating equipment, a sum not exceeding forty-five thousand dollars, the same to be in addition to Item 588 of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven . . . 45,000 00
Total \$706,550 00	

Massachusetts Hospital School:

580	For the maintenance of the Massachusetts hospital school, to be expended with the approval of the trustees thereof, a sum not exceeding two hundred thirty-four thousand seven hundred and ten dollars . . . \$234,710 00
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State Infirmary:

581	For the maintenance of the state infirmary, to be expended with the approval of the trustees thereof, a sum not exceeding one million three hundred forty-two thousand five hundred and fifty dollars . . . \$1,342,550 00
582	For the replacement and building of certain fly screens, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . . 4,000 00
583	(This item combined with Item 581.)
Total \$1,346,550 00	

Service of the Department of Public Health.

Item		
	Administration:	
584	For the salary of the commissioner, a sum not exceeding seventy-five hundred dollars . . .	\$7,500 00
585	For personal services of the health council and office assistants, a sum not exceeding twenty thousand two hundred dollars . . .	20,200 00
586	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding ninety-five hundred dollars . . .	9,500 00
	Service of Adult Hygiene (cancer):	
587	For personal services of the division, including cancer clinics, a sum not exceeding forty-six thousand nine hundred dollars . . .	46,900 00
588	For other expenses of the division, including cancer clinics, a sum not exceeding forty-nine thousand five hundred dollars . . .	49,500 00
	Service of Child and Maternal Hygiene:	
589	For personal services of the director and assistants, a sum not exceeding sixty-four thousand eight hundred dollars . . .	64,800 00
590	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding twenty-five thousand dollars . . .	25,000 00
	Division of Communicable Diseases:	
591	For personal services of the director, district health officers and their assistants, epidemiologists, bacteriologist and assistants in the diagnostic laboratory, a sum not exceeding seventy-four thousand four hundred dollars . . .	74,400 00
592	For services other than personal, traveling expenses, laboratory, office and other necessary supplies, including the purchase of animals and equipment, and rent of certain offices, a sum not exceeding fifteen thousand dollars . . .	15,000 00
	Venereal Diseases:	
593	For personal services for the control of venereal diseases, a sum not exceeding seventeen thousand three hundred and ninety-two dollars . . .	17,392 00
594	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding two hundred twenty-nine thousand dollars . . .	229,000 00
	Wassermann Laboratory:	
595	For personal services of the Wassermann laboratory, a sum not exceeding nineteen thousand dollars . . .	19,000 00
596	For expenses of the Wassermann laboratory, a sum not exceeding six thousand dollars . . .	6,000 00
	Antitoxin and Vaccine Laboratories:	
597	For personal services in the investigation and production of antitoxin and vaccine lymph and other specific material for protective inoculation and diagnosis of treatment, a sum not exceeding seventy-nine thousand three hundred and fifty dollars . . .	79,350 00
598	For other services, supplies, materials and equipment necessary for the production of antitoxin and other materials as enumerated above, a sum not exceeding thirty-four thousand four hundred dollars . . .	34,400 00

Item

Inspection of Food and Drugs:

599	For personal services of the director, analysts, inspectors and other assistants, a sum not exceeding sixty-three thousand dollars	\$63,000 00
600	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding twelve thousand five hundred dollars	12,500 00

Shellfish Enforcement Law:

601	For personal services for administering the law relative to shellfish, a sum not exceeding twenty-three hundred and forty dollars	2,340 00
602	For other expenses for administering the law relative to shellfish, a sum not exceeding eight hundred and seventy dollars	870 00

Water Supply and Disposal of Sewage:

603	For personal services of directors, engineers, chemists, clerks and other assistants in the division of engineering and the division of laboratories, a sum not exceeding one hundred thirty-two thousand three hundred dollars	132,300 00
604	For other services, including traveling expenses, supplies, materials and equipment, for the division of engineering and the division of laboratories, a sum not exceeding twenty-seven thousand three hundred dollars	27,300 00

Service for Chronic Rheumatism:

605	For expenses of hospitalization of certain patients suffering from chronic rheumatism, as authorized by section one hundred and sixteen A of chapter one hundred and eleven of the General Laws, inserted by chapter three hundred and ninety-three of the acts of nineteen hundred and thirty-seven, a sum not exceeding thirty-six thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	36,500 00
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Total	\$972,752 00
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Division of Tuberculosis:

606	For personal services of the director, stenographers, clerks and other assistants, a sum not exceeding forty-one thousand three hundred and forty dollars	\$41,340 00
607	For services other than personal, including printing the annual report, traveling expenses and office supplies and equipment, a sum not exceeding four thousand dollars	4,000 00
608	To cover the payment of certain subsidies for the maintenance of hospitals for tubercular patients, a sum not exceeding four hundred eighty thousand dollars	480,000 00
609	For personal services for certain children's clinics for tuberculosis, a sum not exceeding thirty-six thousand eight hundred and forty dollars	36,840 00
610	For other services for certain children's clinics for tuberculosis, a sum not exceeding fourteen thousand seven hundred dollars	14,700 00

Total	\$576,880 00
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Item		
	For the maintenance of and for certain improvements at the sanatoria, as follows:	
611	Lakeville state sanatorium, a sum not exceeding three hundred forty-one thousand eight hundred and seventy dollars	\$341,870 00
612	For certain fire protection at the Lakeville state sanatorium, a sum not exceeding six hundred and sixty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	665 00
612a	For the construction of beds and the purchase of certain equipment for the disposal of sewage at the Lakeville state sanatorium, a sum not exceeding eighteen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,850 00
613	For the clearing of brush and the planting of trees to protect the water supply at the Lakeville state sanatorium, a sum not exceeding seven hundred dollars	700 00
613a	For the replacement of buildings and equipment destroyed by fire and for certain renovation and improvement of the dairy unit at the Lakeville state sanatorium, a sum not exceeding twenty-five thousand dollars	25,000 00
614	North Reading state sanatorium, a sum not exceeding two hundred sixty-eight thousand eight hundred and forty-five dollars	268,845 00
615	For the purchase and installation of certain equipment for the improvement of the water supply system at the North Reading state sanatorium, a sum not exceeding seven hundred and fifty dollars	750 00
616	Rutland state sanatorium, a sum not exceeding three hundred seventy-seven thousand two hundred dollars	377,200 00
617	Westfield state sanatorium, including a division for the care and treatment of persons suffering from cancer, a sum not exceeding four hundred twenty-four thousand eight hundred and sixty-five dollars	424,865 00
618	For improvements in the water supply system at the Westfield state sanatorium, a sum not exceeding two thousand and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,050 00
619	For improvements in the fire protection system at the Westfield state sanatorium, a sum not exceeding eleven hundred dollars	1,100 00
	Total	<u>\$1,444,895 00</u>
	Pondville Hospital:	
620	For maintenance of the Pondville hospital, including care of radium, a sum not exceeding three hundred fifty-four thousand nine hundred dollars	\$354,900 00
621	For improvements in the sewage disposal system at the Pondville hospital, a sum not exceeding thirty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,500 00
622	For improvements in the system of water supply at the Pondville hospital, a sum not exceeding three thousand dollars	3,000 00
	Total	<u>\$361,400 00</u>

Service of the Department of Public Safety.

Item		
	Administration:	
623	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
624	For personal services of clerks and stenographers, a sum not exceeding one hundred three thousand dollars	103,000 00
625	For contingent expenses, including printing the annual report, rent of district offices, supplies and equipment, and all other things necessary for the investigation of fires and motion picture licenses, as required by law, and for expenses of administering the law regulating the sale and resale of tickets to theatres and other places of public amusement by the department of public safety, a sum not exceeding seventy thousand dollars	70,000 00
	Division of State Police:	
626	For the salaries of officers, including detectives, a sum not exceeding five hundred sixty-five thousand two hundred and fifty dollars, of which sum not more than two hundred thousand dollars may be charged to the Highway Fund	565,250 00
627	For personal services of civilian employees, a sum not exceeding one hundred thirteen thousand two hundred dollars	113,200 00
628	For other necessary expenses of the uniformed division, including traveling expenses of detectives, a sum not exceeding four hundred twenty-eight thousand dollars, of which sum not more than one hundred fifty thousand dollars may be charged to the Highway Fund	428,000 00
629	For personal services, rent, supplies and equipment necessary in the enforcement of provisions of law relative to explosives and inflammable fluids and compounds, a sum not exceeding fourteen thousand six hundred dollars	14,600 00
	Division of Inspection:	
630	For the salary of the chief of inspections, a sum not exceeding four thousand dollars	4,000 00
631	For the salaries of officers for the building inspection service, a sum not exceeding fifty-four thousand one hundred and twenty dollars	54,120 00
632	For traveling expenses of officers for the building inspection service, a sum not exceeding eleven thousand five hundred dollars	11,500 00
633	For the salaries of officers for the boiler inspection service, a sum not exceeding sixty-eight thousand four hundred and sixty dollars	68,460 00
634	For traveling expenses of officers for the boiler inspection service, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
635	For services, supplies and equipment necessary for investigations and inspections by the division, a sum not exceeding nine hundred dollars	900 00
	Board of Boiler Rules:	
636	For personal services of members of the board, a sum not exceeding one thousand dollars	1,000 00
637	For services other than personal and the necessary traveling expenses of the board, a sum not exceeding five hundred dollars	500 00
	Total	\$1,454,030 00

Item		
	Fire Prevention Service:	
638	For the salary of the state fire marshal, a sum not exceeding four thousand dollars	\$4,000 00
639	For personal services of fire and other inspectors, a sum not exceeding fifty thousand one hundred dollars	50,100 00
640	For traveling expenses of fire and other inspectors, a sum not exceeding fourteen thousand one hundred dollars	14,100 00
641	For other services, office rent and necessary office supplies and equipment, a sum not exceeding thirty-five hundred dollars	3,500 00
	Total	<u>\$71,700 00</u>
	State Boxing Commission:	
642	For compensation and clerical assistance for the state boxing commission, a sum not exceeding ten thousand and eighty dollars	\$10,080 00
643	For other expenses of the commission, a sum not exceeding eight thousand dollars	8,000 00
	Total	<u>\$18,080 00</u>

Service of the Department of Public Works.

The appropriations made in the following four items are to be paid three quarters from the Highway Fund and one quarter from Port of Boston receipts:

644	For the salaries of the commissioner and the associate commissioners, a sum not exceeding nineteen thousand five hundred dollars	\$19,500 00
645	For personal services of clerks and assistants to the commissioner, a sum not exceeding ninety-four hundred and ten dollars	9,410 00
646	For traveling expenses of the commissioners, a sum not exceeding two thousand dollars	2,000 00
647	For telephone service in the public works building, a sum not exceeding twenty-nine thousand four hundred and ninety dollars	29,490 00
	Total	<u>\$60,400 00</u>

Functions of the department relating to highways (the following appropriations, except as otherwise provided, are made from the Highway Fund):

648a	For personal services for the maintenance and operation of the public works building, a sum not exceeding eighty-two thousand one hundred dollars	\$82,100 00
648b	For other expenses for the maintenance and operation of the public works building, a sum not exceeding fifty-one thousand four hundred dollars	51,400 00
649	For the salaries of guards for the public works building, including expense of uniforms, a sum not exceeding thirty-one thousand six hundred and twenty dollars	31,620 00
650	For personal services of the chief engineer, engineers and office assistants, including certain clerks and stenographers, a sum not exceeding one hundred thousand seven hundred and forty dollars	100,740 00
651	For services other than personal, including printing pamphlet of laws and the annual report, and nec-	

Item		
	essary office supplies and equipment, and for the expense of membership of the department in the American Association of State Highway Officials, a sum not exceeding seventeen thousand dollars .	\$17,000 00
652	For the suppression of gypsy and brown tail moths on state highways, a sum not exceeding twelve thousand five hundred dollars	12,500 00
653	For the construction and repair of town and county ways, a sum not exceeding two million seven hundred thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,700,000 00
654	For aiding towns in the repair and improvement of public ways, a sum not exceeding one million four hundred and seventy-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,475,000 00
655	For the maintenance and repair of state highways, including care of snow on highways and expenses of traffic signs and lights, for payment of damages caused by defects in state highways with the approval of the attorney general, for care and repair of road-building machinery, and for the maintenance of a nursery for roadside planting, a sum not exceeding three million one hundred fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,150,000 00
656	For the purpose of enabling the department of public works to secure federal aid for the construction and reconstruction of highways, including bridges, a sum not exceeding two million six hundred seventy-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,675,000 00
657	For administering the law relative to advertising signs near highways, a sum not exceeding twenty-five thousand dollars, to be paid from the General Fund	25,000 00
658	For expenses of a topographical survey and map of the commonwealth, in addition to funds received from federal appropriations or private subscriptions, a sum not exceeding fifty thousand dollars	50,000 00
	Registration of Motor Vehicles:	
659	For personal services, a sum not exceeding one million one hundred ten thousand dollars, of which sum fifteen thousand dollars may be charged to the General Fund, and the remainder shall be paid from the Highway Fund	1,110,000 00
660	For services other than personal, including traveling expenses, purchase of necessary supplies and materials, including cartage and storage of the same, and for work incidental to the registration and licensing of owners and operators of motor vehicles, a sum not exceeding five hundred thirteen thousand dollars, to be paid from the Highway Fund	513,000 00
661	For printing and other expenses necessary in connection with publicity for certain safety work, a sum not exceeding one thousand dollars, to be paid from the Highway Fund	1,000 00
	Total	\$11,994,360 00

Item		
	Functions of the department relating to waterways and public lands:	
662	For personal services of the chief engineer and assistants, a sum not exceeding fifty-eight thousand dollars	\$58,000 00
663	For services other than personal, including printing pamphlet of laws and the annual report, and for necessary office and engineering supplies and equipment, a sum not exceeding sixteen hundred dollars	1,600 00
664	For the care and maintenance of the province lands and of the lands acquired and structures erected by the Provincetown tercentenary commission, a sum not exceeding seven thousand dollars	7,000 00
665	For the maintenance of structures, and for repairing damages along the coast line or river banks of the commonwealth, and for the removal of wrecks and other obstructions from tidewaters and great ponds, a sum not exceeding twenty thousand dollars	20,000 00
666	For the improvement, development and protection of rivers and harbors, tidewaters and foreshores within the commonwealth, as authorized by section eleven of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition thereof, and of great ponds, a sum not exceeding one hundred thousand dollars, and any unexpended balance of the appropriation remaining at the end of the current fiscal year may be expended in the succeeding fiscal year for the same purposes; provided, that all expenditures shall be upon condition that at least fifty per cent of the cost is covered by contributions from municipalities or other organizations and individuals, except that in the case of dredging channels for harbor improvements at least twenty-five per cent of the cost shall be so covered	100,000 00
667	For re-establishing and permanently marking certain triangulation points and sections, as required by order of the land court in accordance with section thirty-three of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding one thousand dollars	1,000 00
668	For expenses of surveying certain town boundaries, by the department of public works, a sum not exceeding five hundred dollars	500 00
668a	For expenses of re-establishing and defining a portion of the boundary line between the towns of Edgartown and Oak Bluffs, a sum not exceeding one thousand dollars	1,000 00
669	For the operation and maintenance of the New Bedford state pier, a sum not exceeding thirteen thousand dollars	13,000 00
670	For the compensation of dumping inspectors, a sum not exceeding one thousand dollars	1,000 00
671	For continuing the work in gauging the flow of water in the streams of the commonwealth, a sum not exceeding five thousand dollars	5,000 00
672	For the maintenance and repair of certain property in the town of Plymouth, a sum not exceeding four thousand dollars	4,000 00
673	For the operation and maintenance of the Cape Cod Canal pier, a sum not exceeding fifty-two hundred dollars	5,200 00

Item

674 (This item omitted.)

674a	For dredging at or near the public town wharf at Provincetown, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated therefor	\$4,000 00
	Total	\$221,300 00

Functions of the department relating to Port of Boston (the following items are to be paid from the Port of Boston receipts):

675	For the construction of railroads and piers and for the development of certain land, a sum not exceeding nine thousand dollars	\$9,000 00
676	For the supervision and operation of commonwealth pier five, including the salaries or other compensation of employees, and for the repair and replacement of equipment and other property, a sum not exceeding one hundred twenty-three thousand five hundred dollars	123,500 00
677	For the maintenance of pier one, at East Boston, a sum not exceeding six thousand dollars	6,000 00
678	For the maintenance and improvement of commonwealth property under the control of the department in connection with its functions relating to waterways and public lands, a sum not exceeding ninety thousand dollars	90,000 00
679	For dredging channels and filling flats, a sum not exceeding ninety thousand dollars, the same to be in addition to any unexpended balance of the appropriation made for the purpose in the previous year	90,000 00
680	For the cost of inspection of structures in tidewater within Boston harbor, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00
	Total	\$321,500 00

Service of the Department of Public Utilities.

681	For personal services of the commissioners, a sum not exceeding thirty-six thousand dollars	\$36,000 00
682	For personal services of secretaries, employees of the accounting division, engineering division, and rate and tariff division, a sum not exceeding forty-five thousand six hundred and thirty dollars	45,630 00
683	For personal service of the inspection division, a sum not exceeding forty-eight thousand two hundred and ten dollars	48,210 00
684	For personal services of clerks, messengers and office assistants, a sum not exceeding sixteen thousand two hundred dollars	16,200 00
685	For personal services of the telephone and telegraph division, a sum not exceeding eighteen thousand three hundred and thirty dollars	18,330 00
686	For traveling expenses of the commissioners and employees, a sum not exceeding forty-six hundred dollars	4,600 00
687	For other services, including printing the annual report and necessary office supplies and equipment, a sum not exceeding thirteen thousand one hundred dollars	13,100 00

Item		
688	For stenographic reports of evidence at inquests held in cases of death by accident on or about railroads, a sum not exceeding five hundred dollars	\$500 00
	Total	\$182,570 00
	Investigation of Gas and Electric Light Meters:	
689	For personal services of the division of inspection of gas and gas meters, a sum not exceeding twenty-two thousand five hundred and sixty dollars	\$22,560 00
690	For expenses of the division of inspection of gas and gas meters, including office rent, traveling and other necessary expenses of inspection, a sum not exceeding fifty-five hundred and fifty dollars	5,550 00
691	For the examination and tests of electric meters, a sum not exceeding one hundred dollars	100 00
	Total	\$28,210 00
	Special Investigations:	
692	For personal services and expenses of special investigations, including legal assistants and stenographic services as needed, a sum not exceeding ten thousand dollars	\$10,000 00
	Commercial Motor Vehicle Division:	
693	For personal services of the director and assistants, a sum not exceeding twenty-eight thousand six hundred and eighty dollars	\$28,680 00
694	For other services, necessary office supplies and equipment, and for rent, a sum not exceeding fifteen thousand dollars	15,000 00
	Total	\$43,680 00
	Smoke Inspection Service:	
	The following items are to be assessed upon the cities and towns comprising the district defined by chapter six hundred and fifty-one of the acts of nineteen hundred and ten, and acts in amendment thereof or in addition thereto:	
695	For personal services, a sum not exceeding thirty-two thousand three hundred and ninety dollars	\$32,390 00
696	For other services, printing the annual report, travel, and necessary office supplies and equipment, a sum not exceeding thirty-five hundred dollars	3,500 00
	Total	\$35,890 00
	Sale of Securities:	
697	For personal services in administering the law relative to the sale of securities, a sum not exceeding thirty-seven thousand two hundred and seventy dollars	\$37,270 00
698	For expenses other than personal in administering the law relative to the sale of securities, a sum not exceeding five thousand dollars	5,000 00
	Total	\$42,270 00

Miscellaneous.

Item		
699	For the maintenance of Bunker Hill monument and the property adjacent, to be expended by the metropolitan district commission, a sum not exceeding seventeen thousand six hundred dollars .	\$17,600 00
	The following items are to be paid from the Highway Fund, with the approval of the metropolitan district commission:	
700	For maintenance of boulevards and parkways including installation of traffic lights, a sum not exceeding seven hundred forty-three thousand one hundred and thirty-five dollars .	743,135 00
701	For resurfacing of boulevards and parkways, a sum not exceeding two hundred seventy-five thousand dollars, the same to be in addition to any unexpended balance of the appropriation made for the purpose in the previous year .	275,000 00
701a	For repairs and replacements in the structure of the Neponset river bridge, a sum not exceeding one hundred twenty-five thousand dollars .	125,000 00
702	For expense of supplies and services necessary for procuring Works Progress Administration funds, a sum not exceeding twenty-four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	24,000 00
703	For the cost of installations necessary for additional street lighting, a sum not exceeding twenty thousand dollars .	20,000 00
704	For the construction of a certain drainage system near Riverside avenue in the city of Medford, a sum not exceeding four thousand dollars .	4,000 00
705	For maintenance of Wellington bridge, a sum not exceeding thirty-four hundred dollars .	3,400 00
	Total .	\$1,194,535 00

Unclassified Accounts and Claims.

706	For the compensation of veterans of the civil war formerly in the service of the commonwealth, now retired, a sum not exceeding thirty-five hundred dollars .	\$3,500 00
707	For the compensation of any veteran who may be retired by the governor under the provisions of sections fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding seventy-four thousand dollars .	74,000 00
708	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired, a sum not exceeding sixty-five thousand dollars .	65,000 00
709	For the compensation of state police officers formerly in the service of the commonwealth, and now retired, a sum not exceeding ten thousand dollars .	10,000 00
710	For the compensation of certain women formerly employed in cleaning the state house, and now retired, a sum not exceeding six hundred dollars .	600 00
	Total .	\$153,100 00

Item		
	For certain other aid:	
711	For the compensation of certain public employees for injuries sustained in the course of their employment, for present and previous years, as provided by section sixty-nine of chapter one hundred and fifty-two of the General Laws, as amended, a sum not exceeding one hundred thousand dollars, of which sum not more than fifty-five thousand dollars may be charged to the Highway Fund . . .	\$100,000 00
712	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves, a sum not exceeding eighty-one hundred and six dollars . . .	8,106 00
	Total . . .	\$108,106 00
713	For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by existing laws, a sum not exceeding three hundred and seventy-five dollars . . .	\$375 00
714	For payment of any claims, as authorized by section eighty-nine of chapter thirty-two of the General Laws, as amended, for allowances to the families of members of the department of public safety doing police duty killed or fatally injured in the discharge of their duties, a sum not exceeding eighty-six hundred dollars . . .	8,600 00
715	For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the treasury in previous years, a sum not exceeding one thousand dollars . . .	1,000 00
716	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth, a sum not exceeding ten thousand dollars . . .	10,000 00
	Total . . .	\$19,975 00

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Service of the Legislative Department.

For expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, the sum of eleven hundred eighty-one dollars and ninety-five cents . . .	\$1,181 95
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Service of the Judicial Department.

Superior Court:

For traveling allowances and expenses, the sum of five hundred eighty-six dollars and eighty-seven cents . . .	586 87
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Justices of District Courts:

For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court, the sum of five hundred thirty-two dollars and forty-four cents . . .	532 44
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Item

Administrative Committee of District Courts:
For compensation and expenses of the administrative committee of district courts, the sum of sixty-four dollars and twenty-five cents \$64 25

Probate and Insolvency Courts, as follows:
For the compensation of judges of probate when acting for other judges of probate, the sum of nine hundred and ten dollars 910 00

Service of the Executive Department.

For postage, printing, office and other contingent expenses, including travel of the governor, the sum of one hundred thirty-six dollars 136 00

Service of the Militia.

For transportation of officers and non-commissioned officers for attendance at military meetings, the sum of four hundred fifty-six dollars and eighty-two cents 456 82

Service of the State Quartermaster.

For the maintenance of armories of the first class, including the purchase of certain furniture, the sum of two hundred seven dollars and fifty-one cents 207 51

Service of the Secretary of the Commonwealth.

For services other than personal, traveling expenses, office supplies and equipment, for the arrangement and preservation of state records and papers, and for advertising the purpose of sections twenty-eight A to twenty-eight D of chapter six of the General Laws, as amended, the sum of one hundred dollars and thirty-two cents 100 32

For the purchase and distribution of copies of certain journals of the house of representatives of Massachusetts Bay from seventeen hundred and fifteen to seventeen hundred and eighty, inclusive, as authorized by chapter four hundred and thirteen of the acts of nineteen hundred and twenty, the sum of seven hundred and fifty dollars 750 00

For the purchase of ink for public records of the commonwealth, the sum of one hundred fifty dollars and fifty-four cents 150 54

Service of the Attorney General's Department.

For services other than personal, traveling expenses, office supplies and equipment, the sum of thirteen hundred forty-three dollars and eighty-eight cents 1,343 88

Service of the Department of Conservation.

Division of Forestry:

For aiding towns in the purchase of equipment for extinguishing forest fires and for making protective belts or zones as a defence against forest fires, for the present and previous years, the sum of thirteen hundred ninety-two dollars and sixty-one cents 1,392 61

Item

Enforcement of shellfish and other marine fishery laws:

For other expenses for the administration and enforcement of laws relative to shellfish and other marine fisheries, the sum of fifty-five dollars . . . \$55 00

Service of the Department of Banking and Insurance.

Division of Insurance:

For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, the sum of twenty-one hundred twenty-one dollars and thirty-one cents 2,121 31

Division of Savings Bank Life Insurance:

For services other than personal, printing the annual report, traveling expenses, rent, publicity and equipment, the sum of thirty-nine hundred fifty-one dollars and forty-nine cents 3,951 49

Service of the Department of Corporations and Taxation.

Income Tax Division:

For services other than personal, and for traveling expenses, office supplies and equipment, the sum of one hundred twenty-four dollars and fifty cents 124 50

Service of the Department of Education.

For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law, the sum of two hundred ninety-three dollars and fifty-seven cents 293 57

For the reimbursement of certain towns for the transportation of pupils attending high schools outside the towns in which they reside, as provided by law, the sum of two hundred thirty-two dollars and eighty-two cents 232 82

English-speaking Classes for Adults:

For reimbursement of certain cities and towns, the sum of three hundred twenty dollars and sixty-five cents 320 65

Massachusetts Nautical School:

For personal services of the secretary and office assistants, the sum of one hundred eighteen dollars 118 00

State Teachers' Colleges:

For the maintenance of the state teachers' college at Framingham, boarding hall, the sum of fourteen hundred twenty-five dollars and eighty-four cents 1,425 84

Service of the Department of Civil Service and Registration.

Board of Registration in Embalming and Funeral Directing:

For traveling expenses, the sum of one hundred forty-seven dollars and eighty cents 147 80

Metropolitan District Commission.

Item	For maintenance of park reservations, including the purchase of land and the retirement of soldiers under the provisions of the General Laws, the sum of two hundred dollars	\$200 00
	Total	\$16,804 17

Metropolitan District Commission.

The following items are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction and with the approval of the metropolitan district commission:

718	For maintenance of the Charles River basin, a sum not exceeding two hundred forty thousand nine hundred and ten dollars, including retirement of soldiers under the provisions of the General Laws	\$240,910 00
	(a) The unexpended balances of appropriations heretofore made under authority of chapter three hundred and seventy-one of the acts of nineteen hundred and twenty-nine, as amended, are hereby reappropriated and made available for the purposes of said chapter three hundred and seventy-one, as amended, and the entire proceeds of the gift accepted under said chapter three hundred and seventy-one, in so far as not heretofore lawfully expended, are hereby expressly appropriated and made available for such purposes and all expenditures heretofore made from such proceeds are hereby validated and confirmed to the same extent as though such expenditures had been made in accordance with express appropriations.	
719	For maintenance of park reservations, including the purchase of land and the retirement of soldiers under the provisions of the General Laws, a sum not exceeding one million one hundred eighty-six thousand five hundred and fifteen dollars	1,186,515 00
719a	For repairing damages to a certain sea wall in the town of Winthrop, and for making other improvements, a sum not exceeding forty thousand dollars, to be assessed as part of the cost of maintenance of parks reservations	40,000 00
720	For the expense of holding band concerts, a sum not exceeding twenty thousand dollars, to be assessed as part of the cost of maintenance of parks reservations	20,000 00
721	For expense of supplies and services necessary for procuring Works Progress Administration funds, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to be assessed as part of the cost of maintenance of parks reservations	10,000 00
722	For a contribution towards the cost of what are known as esplanade concerts, a sum not exceeding five thousand dollars, to be assessed as part of the cost of maintenance of parks reservations	5,000 00
723	For the cost of suppressing gypsy moths, including certain equipment, a sum not exceeding twenty-five thousand dollars, to be assessed as part of the cost of maintenance of parks reservations	25,000 00
724	(This item omitted.)	

Item		
725	(This item omitted.)	
726	(This item omitted.)	
727	(This item omitted.)	
728	For services and expenses of the division of metropolitan planning, a sum not exceeding nineteen thousand nine hundred dollars	\$19,900 00
729	For maintenance of the Nantasket Beach reservation, a sum not exceeding one hundred three thousand and thirty dollars	103,030 00
730	For maintenance of Wellington bridge, a sum not exceeding ten thousand two hundred dollars, including retirement of soldiers under the provisions of the General Laws, the same to be in addition to the amount appropriated in item seven hundred and five	10,200 00
731	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, a sum not exceeding four hundred twenty-one thousand one hundred dollars, including retirement of soldiers under the provisions of the General Laws	421,100 00
732	For the purchase and installation of boilers and for changes in certain steam lines at the East Boston pumping station, a sum not exceeding forty thousand dollars, to be assessed as part of the cost of maintenance of the north metropolitan sewerage district	40,000 00
733	For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, a sum not exceeding two hundred ninety-seven thousand five hundred dollars, including retirement of soldiers under the provisions of the General Laws	297,500 00
734	For the maintenance and operation of the metropolitan water system, a sum not exceeding one million fifteen thousand eight hundred and twenty-five dollars, including retirement of soldiers under the provisions of the General Laws	1,015,825 00
735	For the construction of additions and improvements to certain supply and distribution mains, as a part of the cost of maintenance of the metropolitan water system, a sum not exceeding two hundred fifty thousand dollars, the same to be in addition to any unexpended balance of an appropriation made for the purpose in the previous year	250,000 00
	Total	\$3,684,980 00
	General and Highway Funds	\$71,731,722 22
	Metropolitan District Commission	3,685,180 00

SECTION 3. No liabilities in excess of appropriations provided for under this act shall be incurred by any department or institution, except in cases of emergency, and then only upon the prior written approval of the governor and council. The state comptroller is hereby directed to send a copy of this section to each departmental, divisional and institutional head immediately following the passage of this act, together with a copy of suitable regulations relative to applications for transfers from the appropriation for extraordinary expenses as provided by section eight of chapter six of the General Laws.

SECTION 4. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

SECTION 5. No expenses incurred for mid-day meals by state employees, other than those who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing, and those employees who are stationed beyond commuting distance from their homes for a period of more than twenty-four hours, shall be allowed by the commonwealth.

SECTION 6. The budget commissioner is hereby directed to send a copy of sections four and five of this act to each departmental, divisional and institutional head immediately following the passage of this act.

SECTION 7. All money paid into the treasury of the commonwealth from federal subventions and grants may be expended without specific appropriation, if such expenditures are otherwise in accordance with law.

SECTION 8. The state treasurer is hereby authorized and directed to charge off from the accounts of deposits heretofore made with certain banks now closed the sum of two hundred thousand dollars.

SECTION 9. This act shall take effect upon its passage.

Approved May 25, 1938.

AN ACT PROVIDING THAT THE COMMISSIONER OF INSURANCE SHALL REQUIRE OF NEWLY ORGANIZED DOMESTIC INSURANCE COMPANIES CERTAIN AFFIDAVITS PRIOR TO GRANTING TO THEM CERTIFICATES OF AUTHORITY TO ISSUE INSURANCE POLICIES OR CONTRACTS.

Chap. 357

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following: — Before granting licenses or certificates of authority to a company to issue policies of insurance or annuity or pure endowment contracts, the commissioner shall be satisfied, by such examination as he may make and such evidence as he may require, that such company is otherwise duly qualified under the law of the commonwealth to transact business therein; provided, that before granting such a certificate of authority to a domestic company, he shall require the filing with him of an affidavit signed by the officers of the company stating the amount of expenses incurred in the organization thereof and stating that the company has no outstanding liabilities except said organization expenses and except, in the case of a stock company or a mutual company

G. L. (Ter. Ed.), 175, § 4, amended.

Examination of companies prior to issuance of certificates of authority to issue insurance policies.

with a guaranty capital, its liabilities to stockholders for the amount paid in for shares of stock. The commissioner may, on his own initiative, make such an examination and investigation concerning the truth of the matters contained in such an affidavit as he deems necessary. Such affidavits shall be kept in a convenient place in the office of the commissioner and shall be open to public inspection. He shall require every domestic company to keep its books, records, accounts and vouchers in such manner that he or his authorized representatives may readily verify its annual statements and ascertain whether the company has complied with the law.

SECTION 2. Said chapter one hundred and seventy-five is hereby further amended by striking out section thirty-two, as so appearing, and inserting in place thereof the following:—*Section 32.* No domestic company shall make or issue any contracts or policies of insurance or annuity or pure endowment contracts until it has obtained from the commissioner a certificate, in such form as he may prescribe, stating that the company has complied with the conditions set forth in this section and all other provisions of law, and authorizing it to make or issue such policies or contracts. No such certificate shall be issued until the commissioner is satisfied, by such examination as he may make and such evidence as he may require, that the company has complied with the laws of the commonwealth, adopted a proper system of accounting, and employed a competent accountant and a competent and experienced underwriter, nor until the commissioner is satisfied, by such examination as he may make and by an affidavit filed with him as required under section four and by such other evidence as he may require, that the company is without liabilities, except such organization expenses as the commissioner shall approve as reasonable, and except, in the case of a stock company or a mutual company with a guaranty capital, its liabilities to stockholders for the amount paid in for shares of stock, nor, in the case of a life company, until he is satisfied, by such examination as he may make and such evidence as he may require, that the company has employed a competent and experienced actuary, and that its officers and directors are of good repute and competent to manage a life company; provided, that if the commissioner is of the opinion that the granting of such a certificate to a life company would, in any case, be prejudicial to the public interest, he may in his discretion refuse to issue it.

Approved May 26, 1938.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, May 26, 1938.

Honorable FREDERIC W. COOK, *Secretary of the Commonwealth,
State House, Boston.*

SIR: — I, Charles F. Hurley, by virtue of and in accordance with the provisions of the Forty-eighth Amendment to the

Constitution, "The Referendum II, Emergency Measures" do declare that in my opinion, the immediate preservation of the public peace, health, safety and convenience requires that the law passed on the twenty-sixth day of May, in the year nineteen hundred and thirty-eight, entitled "AN ACT PROVIDING THAT THE COMMISSIONER OF INSURANCE SHALL REQUIRE OF NEWLY ORGANIZED DOMESTIC INSURANCE COMPANIES CERTAIN AFFIDAVITS PRIOR TO GRANTING TO THEM CERTIFICATES OF AUTHORITY TO ISSUE INSURANCE POLICIES OR CONTRACTS" should take effect forthwith, that it is an emergency law, and that the facts constituting the emergency are as follows:

Because its delayed operation to the date set forth in the Act will result in inconvenience to the public and to the state, and furthermore, public safety requires that this statement under oath be made so that there will be no secret agreements or outstanding obligations of any kind to the detriment of the public.

Very truly yours,

CHARLES F. HURLEY,
Governor.

OFFICE OF THE SECRETARY, BOSTON, May 26, 1938.

I hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and thirty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter three hundred and fifty-seven of the acts of nineteen hundred and thirty-eight.

F. W. COOK,
Secretary of the Commonwealth.

AN ACT RELATIVE TO THE CARE AND DISPOSAL OF LAND
ACQUIRED BY CITIES AND TOWNS THROUGH THE FORE-
CLOSURE OF TAX TITLES.

Chap. 358

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Emergency
preamble.*

Be it enacted, etc., as follows:

SECTION 1. The mayor of any city or the selectmen of any town which holds property acquired by foreclosure of tax titles may appoint a custodian who shall have, while this act remains in effect, the care, custody, management and control of all property so acquired by said city or town, whether acquired before or after his appointment, or before or after the effective date of this act. The custodian shall serve during the pleasure of the mayor or selectmen

and shall receive as his compensation, if any, a sum fixed by the mayor or by the board of selectmen.

SECTION 2. The custodian, acting on behalf of the city or town, may, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, sell at public auction any such property, first sending a notice thereof as herein provided to the owner of record immediately prior to the acquisition by the city or town of the title to such property. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale, and shall be sent by registered mail to the address of such owner, as appearing upon the records of the assessors of the city or town, at least fourteen days before said sale. The custodian shall also, not less than fourteen days before such appointed date, post a similar notice in two or more convenient and public places in the city or town. Failure to send or to post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder. The custodian may reject any and all bids at such sale or any adjournment thereof if in his opinion no bid is made which approximates the fair value of the property, and he may adjourn the sale from time to time for such periods as he deems expedient, giving notice thereof at the time and place appointed for the sale or for any adjournment thereof. After any such sale and upon payment by the purchaser to the city or town of the amount of a bid accepted by the custodian, the treasurer of said city or town shall, on its behalf, execute and deliver any instrument necessary to transfer the title of the city or town to any such property sold under this section. This act shall not be construed to prevent a city or town from disposing of such property under section three of chapter forty of the General Laws, or in any other manner authorized by law.

SECTION 3. This act shall become inoperative at the expiration of three years after its effective date.

Approved May 26, 1938.

*Chap.*359 AN ACT AUTHORIZING THE CITY OF WORCESTER TO BORROW MONEY FOR THE PURPOSE OF FUNDING ITS PRESENT REVENUE DEFICIT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of funding its present revenue deficit the city of Worcester may borrow a sum not exceeding one million five hundred and thirty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Worcester Funding Loan Act of 1938. This loan shall be payable in not more than ten years from the date of its issue. Indebtedness incurred under this act shall be in excess of the amount authorized by chapter two hun-

dred and eleven of the Special Acts of nineteen hundred and sixteen, as amended, but shall be within the debt limit as provided by chapter forty-four of the General Laws and shall, except as provided herein, be subject to said chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1938.

AN ACT AMENDING THE LAWS RELATIVE TO RETIREMENT SYSTEMS IN CITIES AND TOWNS AND MAKING OTHER CHANGES IN THE LAWS RELATIVE TO RETIREMENT SYSTEMS.

Chap. 360

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-seven of chapter thirty-two of the General Laws, as most recently amended by section twelve of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out subdivision (1) (a), as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following paragraph: —

G. L. (Ter.
Ed.), 32, § 27,
etc., amended.

(a) Except as otherwise provided in paragraphs (b) and (d) of this subdivision, any person who, while under age fifty-five, becomes an employee of the city or town after the date on which the system becomes operative therein may by written application to the board become a member of the system as of the date of the filing of such application; provided, that, if such application is not filed before the date of completion of ninety days of service, he shall become a member of the system as of said last mentioned date.

Eligibility of
members of
system.

SECTION 2. Said section twenty-seven is hereby further amended by striking out the last sentence of subdivision (1) (b), as amended by section twelve of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following sentence: — All former employees of the city or town not in its employ upon the date on which the system becomes operative therein but re-entering the service thereof within five years from such date and while under the age of sixty may become members of the system upon their own application, and disability beneficiaries restored to active service to whom the provisions of paragraph (3) of section thirty-one A apply shall forthwith become members of the system.

G. L. (Ter.
Ed.), 32, § 27,
etc., further
amended.

Eligibility of
employees re-
entering
service.

SECTION 3. Said section twenty-seven is hereby further amended by striking out the last sentence of subdivision (1) (d), as so amended, and inserting in place thereof the following new sentence: — Subject to paragraph (f), any per-

G. L. (Ter.
Ed.), 32, § 27,
etc., further
amended.

Option
available

to elected
officials.

son not an employee of the city or town who, after the date on which the system becomes operative therein, is elected by popular election to a municipal office in such city or town may, if then under age fifty-five, by written application to the board filed not later than ninety days thereafter, thereupon become a member of the system.

G. L. (Ter.
Ed.), 32, § 27,
etc., further
amended.

SECTION 4. Said section twenty-seven, as so amended, is hereby further amended by striking out subdivision (1) (e), as appearing in said section one of said chapter three hundred and eighteen, and inserting in place thereof the following paragraph: —

Contributions
of members
employed by
two or more
governmental
units.

(e) Except as hereinafter otherwise provided and as provided in section thirty-seven D, no member shall receive any pension or retirement allowance from any other pension or retirement system established under this chapter or be required to make contributions to any other such pension or retirement system, anything to the contrary in any general or special law notwithstanding. A person employed by two or more governmental units, each of which has established a contributory retirement system under this chapter, may become a member of the retirement system of each such governmental unit and receive a pension and retirement allowance therefrom. If such a person so becomes a member of the retirement system of two or more such governmental units the treasurer of each such governmental unit shall withhold five per cent of the regular compensation due on each pay day from his governmental unit to such member after he joins the system; provided, that if the total regular compensation of such member from all such governmental units exceeds fifty dollars per week the deduction made hereunder by each such treasurer shall be in the same proportion to fifty dollars that such member's regular compensation from such governmental unit bears to his total regular compensation, so that the total of all deductions made hereunder shall not exceed five per cent of fifty dollars per week; and provided, further, that in no case shall the benefits received by such member be greater than they would have been had such member's total regular compensation been received from one governmental unit.

G. L. (Ter.
Ed.), 32, § 27,
etc., further
amended.

SECTION 5. Said section twenty-seven, as so amended, is hereby further amended by inserting at the end of subdivision (1) the following new paragraph: —

Part time
employees.

(f) In all cases involving part time or intermittent employment or service of an employee or service of a person elected by popular election to a municipal office the board shall have and exercise full and final jurisdiction to determine eligibility for membership and the amount of creditable service of all persons in the service of the city or town.

G. L. (Ter.
Ed.), 32, § 29,
etc., amended.

SECTION 6. Section twenty-nine of said chapter thirty-two, as most recently amended by chapter two hundred and seventy of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out paragraph (2) (b), as appearing in said section one of said

chapter three hundred and eighteen, and inserting in place thereof the following paragraph:—

(b) A pension equal to the full life annuity specified under paragraph (2) (a) of this section, except that the pension shall not exceed the annuity purchasable at his attained age, or at the maximum retirement age of his group, whichever is the lesser, by the sum which at age sixty would purchase a full life annuity of six hundred and fifty dollars, nor shall it exceed one third of his average annual rate of regular compensation during the five consecutive years of his creditable service for which such average rate was the highest; and

Amount of allowance.

SECTION 7. Said section twenty-nine, as amended, is hereby further amended by striking out the second sentence in paragraph (2) (d) and inserting in place thereof the following sentence:— No pension of a member, except as hereinafter provided, shall exceed one half of his average annual rate of regular compensation during the five consecutive years of his creditable service for which such average rate was the highest, and no retirement allowance shall exceed two thirds of said average annual rate of regular compensation unless the annuity exceeds one third of said average annual rate, in which case the annuity shall be the actuarial equivalent of the total accumulated deductions and the total pension shall be the pension provided under paragraph (2) (b) of this section, the retirement allowance in all cases to be determined on the basis of the full life annuity; provided, that in case the period of prior service is less than five years said prior service pension shall be computed on the compensation received during the period of prior service instead of the annual rate hereinbefore mentioned; and provided, further, that the total pension of any member retired at age sixty or over with twenty or more years of creditable service, or retired at the maximum age for his group with five or more years of creditable service, shall in no event be less than the amount which, when added to the annual amount of the full life annuity to which he is entitled, will make his total annual retirement allowance four hundred and eighty dollars or equal to two thirds of his average annual rate of regular compensation during the five years immediately preceding retirement, whichever is the lesser.

G. L. (Ter. Ed.), 32, § 29, etc., further amended.

Value of total pension.

SECTION 8. Said section twenty-nine, as amended, is hereby further amended by striking out paragraph (2) (e), as appearing in said section one of said chapter three hundred and eighteen, and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 32, § 29, etc., further amended.

(e) In addition to the amount of retirement allowance provided for a member classified in Group 1, as defined in section twenty-seven, a member classified in Group 2, as so defined, who retires at age sixty or over shall receive an additional pension sufficient to provide a total retirement allowance, computed on the basis of the full life annuity,

Additional allowance for members retiring before seventy.

equal to that to which he would have been entitled if he had remained in service for a further period of five years and had contributed to the annuity savings fund on the basis of his rate of regular annual compensation in effect at the date of his actual retirement and had been credited with regular interest on his account in such fund at three per cent, all based upon an age greater by five years than his actual age but not beyond age seventy, and had then retired.

G. L. (Ter. Ed.), 32, § 31G, etc., amended.

SECTION 9. Section thirty-one G of said chapter thirty-two, as amended by section seventeen of said chapter three hundred and thirty-six, is hereby further amended by striking out paragraph (6) (a), as appearing in said section one of said chapter three hundred and eighteen, and inserting in place thereof the following paragraph:—

Annual appropriation to pay benefits.

(a) On or before the fifteenth day of January in each year the board shall certify to the mayor or board of selectmen the amount of the appropriation estimated to be necessary to pay to the various funds of the system the amounts payable by the city or town as enumerated in sections twenty-seven to thirty-one H, inclusive, for the year beginning on the first day of January next preceding, and items of appropriation providing such amounts shall be included in the budget.

G. L. (Ter. Ed.), 32, § 31G, further amended.

SECTION 10. Subsection (6) (b) of said section thirty-one G, as so amended, is hereby further amended by striking out, in the fourth line, the word "such" and inserting in place thereof the words:— the following,— so as to read as follows:—

Deficiencies, provision for payment of.

(b) If the income from investment of the funds is insufficient to pay regular interest, the amount required to meet any such deficiency in any year shall be paid by the city or town by special appropriation during the following year. The city or town, within such time and in like manner, shall appropriate and pay into the respective funds of the system sums equal to any deficiencies found to exist in any of such funds.

G. L. (Ter. Ed.), 32, § 37C, etc., amended.

SECTION 10A. Section thirty-seven C of chapter thirty-two of the General Laws, as appearing in section three of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, is hereby amended by adding at the end the following new paragraph:—

Appeal board.

There is hereby established a board composed of the director of the division of accounts or an assistant in said division to be designated in writing from time to time by the commissioner of corporations and taxation, the commissioner of insurance or an assistant to be designated in writing from time to time by said commissioner, and an assistant attorney general to be designated from time to time by the attorney general, said board being hereinafter called the appeal board. On matters not subject to review as hereinbefore provided, any person aggrieved by any order, decision or finding of a retirement board, or by the failure of such board

to act, may within ten days after such order, decision or finding, or within ten days after the expiration of one month following the date of a written request to such board for such an order, decision or finding in case no action was taken by such board thereon within one month, appeal to the appeal board by filing with the board a claim in writing. The appeal board shall, after due notice, give a hearing in not less than ten nor more than sixty days following the filing of any such claim of appeal. The appeal board shall pass upon the appeal, and its decision shall be final and binding upon the board of retirement involved and upon all other parties in interest, and shall be complied with by such board.

SECTION 10B. Notwithstanding the limitations of time set forth in the paragraph added to section thirty-seven C of chapter thirty-two of the General Laws by section ten A of this act, appeals which could otherwise have been taken under said paragraph may be made to the appeal board established thereunder at any time before September first, nineteen hundred and thirty-eight, under and in accordance with said paragraph; provided, that no appeal shall be entertained concerning matters involving injuries or hazards undergone prior to July first, nineteen hundred and thirty-seven, in cities and towns which had a retirement system in operation on such last-mentioned date.

Temporary provisions.

SECTION 11. Section thirty-seven E of said chapter thirty-two, inserted by section twenty of said chapter three hundred and thirty-six, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 32, § 37E, etc., amended.

(2) An employee who is or may become eligible under the provisions of any law relative to non-contributory pensions to receive on retirement any such pension, and who joins any contributory retirement system within one year from its operative date, shall on retirement receive a retirement allowance at least equal to that to which he would have been entitled had he not become a member of such contributory retirement system.

Allowance to persons formerly members of non-contributory systems.

Approved May 26, 1938.

AN ACT PROVIDING SECURITY FOR PAYMENT FOR CERTAIN EQUIPMENT AND APPLIANCES EMPLOYED IN THE CONSTRUCTION OF PUBLIC BUILDINGS AND OTHER PUBLIC WORKS.

Chap. 361

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section twenty-nine, as most recently amended by section two of chapter four hundred and seventy-two of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: —
Section 29. Officers or agents who contract in behalf of any county, city or town for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and sub-contractors for labor performed or furnished and

G. L. (Ter. Ed.), 149, § 29, etc., amended.

Security for payment of labor on public works.

materials used or employed in such construction or repair, including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value, and for payment by such contractor and sub-contractors of any sums due for the rental or hire of vehicles, steam shovels, rollers propelled by steam or other power, concrete mixers, tools and other appliances and equipment employed in such construction or repair; but in order to obtain the benefit of such security the claimant shall file in the office of the county treasurer or of the city or town clerk a sworn statement of his claim within sixty days after the claimant ceases to perform labor or furnish labor, materials, appliances and equipment as aforesaid, and shall, within one year after the filing of such claim, file a petition in the superior court for the proper county to enforce his claim or intervene in a petition already filed; provided, that, notwithstanding the foregoing, in case a petition has been duly filed hereunder, any other person who has duly filed a claim solely for labor performed or furnished on or in connection with a certain public work may obtain his rights in the following manner:— The court, before making final disposition of such petition, shall examine all claims which may arise under this section and which have been duly filed in accordance herewith, and determine the respective amounts due such claimants and their rights to participate in the security and apply the security to the claimants held entitled thereto; and the court shall have power to compel the attendance of any official, with whom such claims may be on file, with such claims. The court may require such officials to furnish for the use of the court copies of any such claims as may be on file. Any claimant whose claim has been duly filed shall have the right to appear at hearings on any petition without formally intervening by any pleadings, and may object, except or appeal from any ruling or decision adversely affecting his claim to the same extent and in the same manner as though he had intervened by formal pleadings.

Any person employing persons on any public works hereinbefore referred to shall post conspicuously, at such place or places as will provide reasonable opportunity for all employees to read the same, a correct copy of this section. The department shall enforce this paragraph.

Approved May 26, 1938.

Chap. 362 AN ACT FURTHER EXTENDING THE SCOPE OF GROUP LIFE INSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175,
§ 133, amended.

SECTION 1. Section one hundred and thirty-three of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended

by adding at the end the following: — ; or (c) a group of persons who at any time are debtors of a financial or other institution including its subsidiary or affiliated institutions, if any, for a loan, or of the vendor of any property for its purchase price, under an agreement to pay any such indebtedness, or any balance thereof, in instalments over a period of not more than ten years, written under a policy issued, with or without medical examination, and made payable to such creditor or the assignee of the indebtedness, and insuring the life of each debtor for an amount not exceeding his individual indebtedness and not exceeding ten thousand dollars; provided, that not less than one hundred persons shall become insured under such a group policy each year after its date of issue.

Special class for group life insurance.

SECTION 2. Said section one hundred and thirty-three, as so appearing, is hereby further amended by inserting after the word "twenty-nine" in the eighteenth line the following: — or any association of state, county or municipal employees, — so that clause (b) will read as follows: — or (b) the members of any trade union or other association of wage workers described in section twenty-nine, or any association of state, county or municipal employees, with or without medical examination, written under a policy issued to such union or association, the premium on which is to be paid by the union or association or by the union or association and the members thereof jointly, and insuring all of the members thereof for amounts of insurance based upon some plan which will preclude individual selection, and for the benefit of persons other than the union or association or any officers thereof, provided, that when the premium is to be paid by the union or association and its members jointly and the benefits of the policy are offered to all members, not less than seventy-five per cent of such members may be so insured, and provided further that any member or members insured under the policy may apply for amounts of insurance additional to those granted by said policy, in which case any percentage of the members may be insured for additional amounts if they pass satisfactory medical examinations.

G. L. (Ter. Ed.), 175, § 133, further amended.

Group insurance for members of trade unions, etc.

SECTION 3. Section one hundred and thirty-four of said chapter one hundred and seventy-five, as so appearing, is hereby amended by adding at the end of provision numbered 4 the following sentence: — This provision shall not apply to any policy issued under subdivision (c) of section one hundred and thirty-three.

G. L. (Ter. Ed.), 175, § 134, amended.

Limitation of preceding section.

SECTION 4. Said section one hundred and thirty-four is hereby further amended by striking out the last paragraph, as so appearing, and inserting in place thereof the three following paragraphs: —

G. L. (Ter. Ed.), 175, § 134, further amended.

The word "employer", as used in this section and section one hundred and thirty-seven, shall include a trade union or association of wage workers described in section twenty-nine, an association of state, county or municipal employees and a financial or other institution including subsidiary or

"Employer" defined.

affiliated institutions, and a vendor of any property. The word "employee", as used in this section and section one hundred and thirty-five, shall include a member of such a union or association, and, as used in this section, shall include a borrower from such a financial or other institution including subsidiary or affiliated institutions, and a purchaser from such a vendor.

"Employees" defined.

In any policy issued under subdivision (a) of section one hundred and thirty-three, the word "employees" may include the officers, managers and employees of subsidiary or affiliated corporations and the individual proprietors, partners and employees of affiliated individuals and firms, if the business of such subsidiary or affiliated corporations, firms or individuals is owned or controlled by the group policyholder, through stock ownership, contract or otherwise.

In case the premium for insurance on the life of a borrower under a policy issued under subdivision (c) of section one hundred and thirty-three is paid by him to the creditor, such payment shall not be deemed to constitute a charge upon a loan in violation of the last sentence of section one hundred of chapter one hundred and forty, if the rate upon which such premium is based is no greater than the usual or prevailing rate for similar insurance obtainable in the commonwealth.

Approved May 26, 1938.

Chap. 363 AN ACT REGULATING THE SALE OF AGRICULTURAL, VEGETABLE AND FLOWER SEEDS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, § 1, etc., amended.

SECTION 1. Section one of chapter ninety-four of the General Laws, as amended, is hereby further amended by striking out the definitions of "Agricultural seeds" or "agricultural seed", "Noxious weed seeds" and "Weed seeds", as appearing in lines one hundred and forty-eight to one hundred and sixty-four, inclusive, in the Tercentenary Edition, and inserting in place thereof the following: —

Definitions.

"Agricultural seeds" or "agricultural seed", in sections two hundred and sixty-one A to two hundred and sixty-one L, inclusive, the seeds of Canada Blue grass, Kentucky Blue grass, Brome grass, fescues, millets, tall meadow oat grass, orchard grass, red top, Bent grasses, Italian rye grass, perennial rye grass, kaffir corn, sorghum, Sudan grass, timothy, alfalfa, clovers, Canada field peas, cowpeas, soybeans, mangels, vetches, and other grasses and forage plants, buckwheat, flax, rape, barley, field corn, oats, rye, wheat and other cereals which are sold, offered or exposed for sale within this commonwealth for use for seeding purposes therein.

"Vegetable seeds", in sections two hundred and sixty-one A to two hundred and sixty-one L, inclusive, the seeds of those crops that are usually grown in Massachusetts in gardens or on truck farms and generally known and sold under the name of "vegetable seeds".

“Noxious weed seeds”, in sections two hundred and sixty-one A to two hundred and sixty-one L inclusive, the seeds of quack grass (*Agropyron repens*), Canada thistle (*Cirsium Arvense*), dodder species (*Cuscuta Spp.*), wild mustard species (*Brassica Spp.*) and English plantain (*Plantago lanceolata*).

“Weed seeds”, in sections two hundred and sixty-one A to two hundred and sixty-one L, inclusive, all seeds other than agricultural seeds and vegetable seeds as defined in this section, and other than flower seeds.

SECTION 2. Section two hundred and sixty-one A of said chapter ninety-four, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first and second lines, the words “of ten pounds or more”, — and by inserting after the word “name” in the seventh line the words: — and variety, — so as to read as follows: — *Section 261A*. Every lot of agricultural seeds, except as otherwise provided in sections two hundred and sixty-one B to two hundred and sixty-one L, inclusive, shall have affixed thereto, in a conspicuous place, on the exterior of the container of such agricultural seeds, a plainly written or printed tag or label in the English language, stating:

G. L. (Ter. Ed.), 94, § 261A, amended.

Tag, etc., to be fixed to container.

(a) The commonly accepted name and variety of such agricultural seeds.

(b) The approximate percentage, by weight, of purity; meaning, the freedom of such agricultural seeds from inert matter and from other seeds distinguishable by their appearance.

(c) The approximate total percentage, by weight, of weed seeds.

(d) The name and approximate number per ounce of each kind of noxious weed seeds, which are present, singly or collectively, as follows: (1) in excess of one seed in each five grams of seeds of grasses, alfalfa and clovers; (2) in excess of one seed in each twenty-five grams of millets, rape, Sudan grass and other seeds of similar size not specified in subdivision (1) or (3) of this paragraph; (3) in excess of one seed in each hundred grams of wheat, oats, rye, barley, buckwheat, vetches, soybeans, cowpeas and other seeds as large or larger than wheat.

(e) The approximate percentage of germination of such agricultural seed together with the month and year said seed was tested.

(f) Name and address of the vendor of such agricultural seed.

SECTION 3. Section two hundred and sixty-one B of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the first and second lines, the words “of ten pounds or more”, — and by inserting after the word “name” in the eighth line the word: — , variety, — so as to read as follows: — *Section 261B*. Mixtures of agricultural seeds which contain not more than two kinds of such seeds which are present in excess of five per cent by weight of each kind,

G. L. (Ter. Ed.), 94, § 261B, amended.

Seed mixtures regulated.

shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixture of seeds, a plainly written or printed tag or label, in the English language, stating:

(a) That such seed is a mixture.

(b) The name, variety and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per cent by weight of the total mixture.

(c) Approximate total percentage by weight of weed seeds.

(d) The name and approximate number per ounce of noxious weed seeds which are present singly or collectively in excess of one seed in each fifteen grams of such mixture.

(e) Approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per cent by weight, together with the month and year said seed was tested.

(f) Name and address of the vendor of such mixture.

G. L. (Ter.
Ed.), 94,
§ 261C,
amended.

Same
subject.

SECTION 4. Said chapter ninety-four is hereby further amended by striking out section two hundred and sixty-one C, as so appearing, and inserting in place thereof the following:— *Section 261C.* Mixtures of agricultural seeds, except as specified in section two hundred and sixty-one B, shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language stating:—

(a) That such seed is a mixture.

(b) The name, variety and approximate percentage by weight of each kind of agricultural seed which is present in excess of five per cent or more by weight of the total mixture.

(c) The approximate total percentage by weight of weed seeds.

(d) The approximate percentage of germination of each kind of agricultural seed present in each mixture in excess of five per cent by weight of the entire mixture, together with the month and year said seed was tested.

(e) The approximate percentage by weight of inert matter.

(f) The name and approximate number per ounce of each kind of noxious weed seeds which are present singly or collectively in excess of one seed in each fifteen grams of such mixture.

(g) Name and address of the vendor of such mixture.

G. L. (Ter.
Ed.), 94,
§ 261D,
amended.

Containers
of vegetable
seeds.

SECTION 5. Said chapter ninety-four is hereby further amended by striking out section two hundred and sixty-one D, as so appearing, and inserting in place thereof the following:— *Section 261D.* Each separate container of vegetable seeds shall have affixed thereto in a conspicuous place on the exterior of the container a plainly written or printed tag or label in the English language stating:

(a) The kind of seed and variety.

(b) The approximate percentage of germination of each vegetable seed, together with the month and year said seed was tested, provided such seed germination is less than the standard germination test for such seed for the current year,

as determined by the director of the Massachusetts Agricultural Experiment Station and approved by the commissioner of agriculture.

(c) The name and address of the vendor, packer or processor of such vegetable seeds.

Each separate container of flower seeds shall have affixed thereto in a conspicuous place on the exterior of the container a plainly written or printed tag or label stating:—

(a) The kind of seed and variety.

(b) The name and address of the vendor, packer or processor of such flower seeds.

SECTION 6. Section two hundred and sixty-one E of said chapter ninety-four is hereby amended by adding at the end thereof the following new paragraph:—

When any agricultural seeds or mixtures thereof or vegetable seeds or flower seeds are sold in bulk directly to and in the presence of the purchaser from a box or other container, the tag or label required by any provision of sections two hundred and sixty-one A to two hundred and sixty-one E, inclusive, may be affixed in a conspicuous place on the exterior of the box or other container from which such seeds are sold, instead of on the wrapper or other container of the package delivered to the purchaser.

SECTION 7. Section two hundred and sixty-one H of said chapter ninety-four, as appearing in section one of chapter two hundred and eighty-eight of the acts of nineteen hundred and thirty-seven, is hereby further amended by adding at the end thereof the following new paragraph:—

The commissioner of agriculture may order that any agricultural seeds or mixtures thereof, vegetable seeds or flower seeds, the containers of which he finds are not tagged or labelled, as provided in sections two hundred and sixty-one A to two hundred and sixty-one E, inclusive, or which do not conform to the statements made upon the tags or labels attached to the containers thereof, be withheld from sale until properly tagged or labelled or until made to conform to the tags or labels thereon. Any person aggrieved by such an order may, within ten days of the entry thereof, appeal therefrom by petition to the superior court in the county where he resides or has his usual place of business or in the county of Suffolk. The court shall hear such petition speedily in accordance with the usual course of procedure in equity, and may affirm, modify or revoke such order. Such order shall remain in force until so modified or revoked.

SECTION 8. Section two hundred and sixty-one K of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the third line, the word "agricultural", — so as to read as follows:—*Section 261K.* Any person residing or doing business in this commonwealth shall have the privilege of submitting to the director samples of seeds for test and analysis, subject to such rules and regulations as may be adopted by the director, including a reasonable charge or fee for such test and analysis. Receipts under

G. L. (Ter. Ed.), 94, § 261E, amended.

Sales in bulk.

G. L. (Ter. Ed.), 94, § 261H, etc., amended.

Sale of seeds improperly labelled, restricted.

G. L. (Ter. Ed.), 94, § 261K, amended.

Analysis and test.

this section shall be paid into the treasury of the commonwealth.

G. L. (Ter.
Ed.), 94,
§ 261L, etc.,
amended.

Penalty.

SECTION 9. Said chapter ninety-four is hereby further amended by striking out section two hundred and sixty-one L, as so appearing, and inserting in place thereof the following: — *Section 261L.* Whoever sells, offers or exposes for sale any lot of agricultural seeds or mixtures thereof or vegetable seeds or flower seeds, without complying with the requirements of sections two hundred and sixty-one A to two hundred and sixty-one K, inclusive, applicable thereto, or in violation of any order, under section two hundred and sixty-one H, of the commissioner of agriculture, or of the superior court if an appeal is taken, or whoever falsely marks or labels any such seeds or mixtures or impedes, obstructs or hinders the commissioner of agriculture or any of his duly authorized agents, or the director or any of his duly authorized assistants, in the discharge of the authority or duties conferred or imposed by any provision of said sections, shall be punished by a fine of not more than five hundred dollars.

Approved May 26, 1938.

Chap. 364 AN ACT INCREASING THE JURISDICTION, AND MAKING MORE BINDING THE DECISIONS, OF THE BOARD OF CONCILIATION AND ARBITRATION.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 150,
§ 3, amended.

Conciliation.

SECTION 1. Section three of chapter one hundred and fifty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh to the tenth lines, inclusive, the words "and such employer at that time is employing, or upon the occurrence of the strike or lockout was employing, not less than twenty-five persons in the same general line of business in any town in the commonwealth," — so as to read as follows: — *Section 3.* The mayor of a city or the selectmen of a town, having knowledge that a strike or lockout is seriously threatened or has actually occurred therein, shall at once give notice to the board. Notice may be given by the employer or by the employees concerned in the controversy, strike or lockout. When the board has knowledge that a strike or lockout, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, the board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement, or endeavor to persuade them to submit the controversy to a local board of conciliation and arbitration established under section nine or to the board. If a settlement is not agreed upon and the parties refuse to submit the matter in dispute to arbitration, the board shall investigate the cause of such controversy and ascertain which of the parties thereto is mainly responsible or blameworthy for the existence or continuance of the

same, and shall, unless a settlement of the controversy is reached, make and publish a report finding such cause and assigning such responsibility or blame. The board may employ agents to assist in said investigation. It shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects or threatens seriously to affect the public welfare. The board shall have the same powers for the foregoing purpose as are given to it by sections five to eight, inclusive. The board shall by publication or otherwise inform employers and employees of their duty to give notice to the board before resorting to a strike or lockout and of the provisions of this chapter affecting the rights of employers and employees relative to industrial disputes.

SECTION 2. Said chapter one hundred and fifty is hereby further amended by striking out section five, as so appearing, and inserting in place thereof the following: — *Section 5.* If a controversy exists between an employer and his employees, the board shall, upon application as provided in the following section, as soon as practicable visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry outside the commonwealth. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the board. A short statement thereof may, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the city or town in which said business is carried on. Said decision shall for six months be binding upon the parties who join in said application, unless by agreement of both parties it is stipulated in the application that the contract is to run for a longer period of time, in which event the decision of the board will be binding for the length of time agreed upon by both parties in their application.

G. L. (Ter. Ed.), 150, § 5, amended. Arbitration.

Approved May 26, 1938.

AN ACT REPEALING THE PROVISIONS OF LAW WHICH ENLARGED THE CRIMINAL JURISDICTION OF DISTRICT COURTS. *Chap. 365*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and eighteen of the General Laws is hereby amended by striking out section twenty-six, as amended by section one of chapter three hundred and one of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 26.* District courts shall have original jurisdiction, concurrent with the superior court, of the following offences committed within their respective districts, or otherwise

G. L. (Ter. Ed.), 218, § 26, etc., amended.

Court officers, number of.

made punishable therein: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except conspiracies and libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes mentioned in sections eighteen and nineteen of chapter two hundred and sixty-six, and the crimes of forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged, if in either case the sum of money or the value of the property named in such note or order does not exceed fifty dollars.

Effective
date.

SECTION 2. This act shall take effect on October first in the current year and shall apply only in the case of offences committed on or after said date. Notwithstanding the provisions of this act, the provisions of law effective as to the jurisdiction of district courts of offences committed before said date shall continue in effect thereafter with respect to such offences.

Approved May 26, 1938.

Chap. 366 AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF WILLIAM J. COGAN, A FORMER EMPLOYEE OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The retirement allowance payable by the city of Cambridge to William J. Cogan, who was retired under the provisions of chapter four hundred and fifty-three of the acts of nineteen hundred and thirty-one on July first, nineteen hundred and thirty-six, after serving said city faithfully as an attendance officer in its school department for more than twenty years, may be increased to an amount equal to one half the annual compensation received by him at the time of his retirement, any provision of said chapter four hundred and fifty-three to the contrary notwithstanding.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved May 26, 1938.

Chap. 367 AN ACT RELATIVE TO CONTRACTS OF CONDITIONAL SALE OF MOTOR VEHICLES, HOUSEHOLD FURNITURE AND EFFECTS AND CERTAIN PERSONAL EFFECTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 255,
§ 13C, etc.,
amended.

Chapter two hundred and fifty-five of the General Laws is hereby amended by striking out section thirteen C, inserted by chapter three hundred and fifteen of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 13C.* Each conditional sale which includes one or more articles of household furniture

Conditional
sales contracts

or other household or personal effects except jewelry, and each such sale of a motor vehicle, shall be embodied in a single written contract which shall contain the entire agreement between the parties and, in addition to any other information required by law, shall specifically set forth the gross purchase price, which price shall include the cost of the article so sold, interest and finance and any other charge. When a payment is made by the vendee under the terms of any such contract, on request of the vendee, such payment shall be endorsed on the contract or on the promissory note which is evidence of the obligation of the vendee or shall be set forth on a receipt given to the vendee. Such receipt shall include the amount of the payment made and the balance due on the contract, with a specific identification of the contract to which the payment is applied.

of certain personal property.

Approved May 26, 1938.

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO SELL AND CONVEY A PORTION OF CERTAIN PARK LAND HELD BY IT. *Chap. 368*

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River, by its proper authorities, is hereby authorized to sell and convey to the Roman Catholic Bishop of Fall River, a corporation sole, a portion, not exceeding thirty-five hundred square feet in area, of Lafayette park, located in said city.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved May 26, 1938.

AN ACT RELATIVE TO THE CONSOLIDATION OF THE NORTH PARISH OF WILBRAHAM AND THE FIRST CONGREGATIONAL CHURCH, LOCATED IN THE TOWN OF WILBRAHAM. *Chap. 369*

Be it enacted, etc., as follows:

SECTION 1. The action taken by the corporate bodies of the North Parish of Wilbraham, established by chapter one of the acts of seventeen hundred and eighty-two, and by The First Congregational Church, incorporated under the provisions of chapter sixty-seven of the General Laws, both located in the town of Wilbraham, for the purpose of authorizing their consolidation into one corporation is hereby confirmed and made valid.

SECTION 2. Said North Parish of Wilbraham is hereby empowered to grant, transfer, assign, set over and convey all funds and property, both real and personal, held by it to said The First Congregational Church, which is hereby empowered to receive the same and to hold, manage and dispose of all such funds and property upon the same trusts, uses and purposes as if the same had continued to be held by said North Parish of Wilbraham, except that as to such

funds, of which said North Parish of Wilbraham had disposition of principal, said The First Congregational Church shall have disposition of income only for the purposes of said The First Congregational Church.

SECTION 3. Said The First Congregational Church is hereby empowered to invest and reinvest the principal of said property described in section two and to appoint as its agent for such purposes of investment and reinvestment any bank or trust company authorized to act as trustee in probate matters in this commonwealth, or the Massachusetts Congregational Conference and Missionary Society.

SECTION 4. Said North Parish of Wilbraham, by vote of three fourths of its members present and voting at any meeting duly called for the purpose, is hereby empowered to grant, transfer, assign, set over and convey any and all funds and property, both real and personal, that may hereafter be acquired by it, from time to time, to said The First Congregational Church, to be held according to the provisions of this act.

SECTION 5. The corporate existence of said North Parish of Wilbraham, upon the transfer of all its funds and property as hereinbefore provided, shall cease and determine.

SECTION 6. All gifts, grants, bequests and devises made or accruing to or for the benefit of said North Parish of Wilbraham, after the transfer of its assets as hereinbefore provided, shall vest in said The First Congregational Church.

Approved May 26, 1938.

Chap. 370 AN ACT AUTHORIZING THE CITY OF MEDFORD TO REIMBURSE JAMES L. BURKE FOR CERTAIN EXPENSES INCURRED BY REASON OF INJURIES SUSTAINED BY HIM IN THE PERFORMANCE OF DUTY AS A TEACHER IN THE VOCATIONAL SCHOOL OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Medford may pay to James L. Burke a sum of money not exceeding an amount necessary to reimburse him for expenses of medical care incurred by him on account of injuries received in the performance of his duty as a teacher in the vocational school of said city.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved May 26, 1938.

AN ACT CHANGING AND ESTABLISHING A PORTION OF THE
BOUNDARY LINE BETWEEN THE TOWNS OF ARLINGTON AND
BELMONT AND MAKING CHANGES IN CERTAIN LAWS RELATIVE TO THE TERRITORY AFFECTED. Chap. 371

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be in part the boundary line between the towns of Arlington and Belmont: Beginning at a point on the boundary line of the town of Belmont and the city of Cambridge in the center of the Concord turnpike, also called the state highway, as laid out by the state department of public works, said point bearing south $31^{\circ}-35'-18''$ west and 96.42 feet from the stone monument at the three town corner of Arlington, Belmont and Cambridge, thence north $67^{\circ}-46'-45''$ west in said center of Concord turnpike a distance of two hundred seventy-six and seventy-six hundredths feet to a point of curve in said center of Concord turnpike, thence northwesterly in said center of Concord turnpike on a curve to the right with a radius of twenty-eight hundred feet a distance of seven hundred thirty-one and five hundred seventy-five thousandths feet to a point of tangency in said center of Concord turnpike, thence north $52^{\circ}-48'-33''$ west on said center of Concord turnpike a distance of two hundred sixty-four and seventy-four hundredths feet to a point in the existing town line between Arlington and Belmont bearing south $81^{\circ}-41'-33''$ west and one hundred sixty-nine and sixty-two hundredths feet distant from an existing town bound in the southerly side of Lake street, thence following the present town line between the town of Arlington and the town of Belmont via Lake street to a point on the northwesterly side of Pleasant street, said point being marked by a brass pin in a lead plug set in the concrete sidewalk on the westerly side of the Pleasant street bridge over the Concord turnpike, thence north $46^{\circ}-23'-32''$ east on said northwesterly side line of Pleasant street a distance of eight and one hundredth feet, to a point in said northwesterly side line of Pleasant street, thence north $56^{\circ}-01'-22''$ west a distance of seven hundred eight and thirty-three hundredths feet to the center of the Concord turnpike at a point of curve, thence northwesterly on said center of Concord turnpike on a curve to the left with a radius of three thousand feet, a distance of six hundred sixty-nine and ninety-seven hundredths feet to a point of tangency in said center of Concord turnpike, thence north $68^{\circ}-49'-06''$ west on said center of Concord turnpike a distance of two hundred eighty-four and eight hundredths feet to a point of curve in said center of Concord turnpike, thence northwesterly on said center of Concord turnpike on a curve to the right with a radius of three thousand feet, a distance of five hundred nine and fifty-two hundredths feet to a point of tangency in said center of Concord turnpike, thence

north $59^{\circ}-05'-14''$ west on said center of Concord turnpike a distance of two hundred forty-nine and six hundredths feet to a point of curve in said center of Concord turnpike, thence northwesterly on said center of Concord turnpike on a curve to the left with a radius of three thousand feet, a distance of four hundred forty-eight and twenty-six hundredths feet to a point of tangency in said center of Concord turnpike, thence north $67^{\circ}-38'-54''$ west on said center of Concord turnpike, a distance of seven hundred fifty and twelve hundredths feet to a point of curve in said center of Concord turnpike, thence northwesterly on a curve to the left on said center of Concord turnpike with a radius of three thousand feet a distance of four hundred eighty-seven and twelve hundredths feet to a point of tangency on said center of Concord turnpike, thence north $76^{\circ}-57'-06''$ west on said center of Concord turnpike a distance of ten hundred forty-one and eighteen hundredths feet to a point of curve on said center of Concord turnpike, thence northwesterly on a curve to the right with a radius of thirty-two hundred feet on said center of Concord turnpike a distance of six hundred ninety-one and ninety hundredths feet to a point of tangency in said center of Concord turnpike, thence north $64^{\circ}-33'-37''$ west on said center of Concord turnpike a distance of three thousand and thirteen hundredths feet to a point of curve in said center of Concord turnpike, thence northwesterly on a curve to the left with a radius of five thousand feet on said center of Concord turnpike a distance of two hundred fifteen and eighty-five hundredths feet to a point in said center of Concord turnpike, thence south $22^{\circ}-57'-59''$ west from said center of Concord turnpike a distance of fifty feet to a point in the southerly side line of said Concord turnpike at the division line between land now or formerly of George E. Cooper et al., trustees, and land now or formerly of Arlmont Housing Corporation, thence south $80^{\circ}-37'-23''$ west on said division line a distance of one hundred thirteen and thirteen hundredths feet to a point, thence south $78^{\circ}-15'-23''$ west on said division line a distance of fifty-one and eighty-seven hundredths feet to a point, thence south $24^{\circ}-09'-07''$ east on said division line a distance of two hundred fifty-six and ninety-one hundredths feet to a point, thence south $23^{\circ}-26'-07''$ east on said division line a distance of two hundred twenty-three and thirty-eight hundredths feet to a point, thence south $25^{\circ}-27'-37''$ east on said division line a distance of sixty-four and eighty-seven hundredths feet to a point, thence south $22^{\circ}-32'-07''$ east on said division line a distance of two hundred thirty and forty-two hundredths feet to a point in the present town line between the town of Arlington and the town of Belmont, thence north $76^{\circ}-59'-37''$ west on said town line a distance of two thousand three hundred twenty-eight and twenty-seven hundredths feet to a stone monument at the three town corner of Arlington, Belmont and Lexington, and shown on five plans filed in the office of

the town engineer, Arlington, Mass., four plans entitled "Plan Showing Proposed Change in Arlington-Belmont Town Line, Scale 1"=100', April 5, 1938, James M. Keane, Town Engineer", and one plan entitled "Plan Showing Present Town Line Between Arlington & Belmont, Scale 1"=100', April 5, 1938, James M. Keane, Town Engineer".

SECTION 2. The right of the town of Arlington at any time to construct, maintain and operate sewerage, water, and storm drain systems, pipes and appurtenances in the portion of said Concord turnpike extending easterly three hundred feet from a line running across said turnpike at right angles to the southerly side line thereof from a point where said side line is intersected by the division line between land now or formerly of the Arlington Housing Corporation and land now or formerly of George E. Cooper et al., trustees, shall not be affected by this act.

SECTION 3. The inhabitants of the estates within the territory in the towns of Arlington and Belmont, respectively, which is affected by this act, and the owners of such estates, shall be holden to pay all arrears of taxes which have legally been assessed upon them prior to the effective date of this act, and such taxes shall be collected by the collector of the town by which said taxes were originally assessed.

SECTION 4. Each of said towns shall continue to be liable for the support of any person now or hereafter needing relief or support, who had a legal settlement in such town immediately prior to the effective date of this act, either by original acquisition or by derivation, until such settlement is defeated or lost. Any person residing within the territory affected by this act, but having no legal settlement when this act becomes effective, who had begun or thereafter begins to acquire a legal settlement by the laws in force at and before the time when this act takes effect, shall not thereby be prevented from acquiring or completing a legal settlement in the town to which such territory was transferred by this act.

SECTION 5. Until January first, nineteen hundred and thirty-nine, the inhabitants of the territory in said towns, respectively, which is affected by this act, shall retain all rights to vote in all primaries, elections and town meetings and concerning town affairs which they have immediately prior to the effective date of this act.

SECTION 6. All estates becoming a part of the town of Belmont under this act shall thereby become subject to all zoning, building and other by-laws of said town, and, until other provision is made by such a zoning by-law, shall be included within a single residence district under such zoning by-laws. All estates becoming a part of the town of Arlington under this act shall thereby become subject to all zoning, building and other by-laws of said town, and, until other provision is made by such zoning by-laws, such of said estates as are located northerly of the Concord turnpike and easterly of Lake street shall be included within a general residence

district under such zoning by-laws and the remainder of said estates shall be included within a single residence district thereunder. The foregoing provisions of this section shall not prohibit the use of any building constructed, or the completion and use of any building in the course of construction, on the effective date of this act, in the manner and for the purpose or purposes for which such building might have been constructed and used under the laws and by-laws relating thereto immediately prior to said effective date.

SECTION 7. After the effective date of this act, the state department of public works shall locate and define the changes in the boundary line between said towns made by this act, by determining by triangulation the position of each angle and corner therein, and shall place monuments and marks on said line in accordance with the provisions of chapter forty-two of the General Laws, all at the expense of the commonwealth.

SECTION 8. This act shall take full effect upon its acceptance, during the current year, by vote of the representative town meeting of the town of Arlington and the filing of a certified copy of such acceptance in the office of the state secretary.

Approved May 26, 1938.

Chap.372 AN ACT RELATIVE TO THE LISTING OF VOTERS IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Lynn a listing board composed of the chief of police and the board of election commissioners. The chairman of the board of election commissioners for the time being shall be the chairman of said listing board, hereinafter called the board.

SECTION 2. The board shall, within the first twenty week days of January in each year, by itself or by assistants of the board of election commissioners, or by police officers of said city, or both, visit every building in said city, and, after diligent inquiry, make true lists, on cards or otherwise, arranged by streets, wards and voting precincts, and containing, as nearly as the board can ascertain, the name, age, occupation, nationality, if not a citizen of the United States, and residence, on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said city. The board shall designate in such lists all buildings used as residences by such persons, in their order on the street where they are situated, by giving the number or other definite description of every such building so that it can readily be identified, and shall place opposite the number or other description of every such building the name, age, nationality, if not a citizen of the United States, and occupation of every such person residing therein

on the first day of January in the current year, and his residence on the first day of January in the preceding year. If in any year the board shall believe it to be impracticable, because of any public exigency requiring unusual service from the police force of the city, to complete within the first twenty week days of January the said visitation and listing, it may take such further time therefor, not exceeding ten week days, as it shall deem necessary.

The board shall place in the lists made by it, opposite the name of every such person, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such person.

The board shall, upon the personal application of a person listed for the correction of any error in its lists, or whenever informed of any such error, make due investigation, and upon proof thereof correct the same on its lists. The board of election commissioners shall thereupon proceed to revise and correct the registers under the provisions of section fifty-eight of chapter fifty-one of the General Laws. The listing board, in the case of a person liable to be assessed a poll tax, shall immediately after making any such correction notify the assessors thereof, who shall correct their copies of said lists.

SECTION 3. Said board shall, on or before the twenty-fifth day of April, in each year, transmit to the assessors certified lists taken from the lists prepared as provided in the preceding section, containing the name, age, occupation, nationality, if not a citizen of the United States, and residence, on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said city, and shall promptly transmit to the assessors notice of every addition to and correction in the lists made by it. Instead of visiting every building in said city and making their own lists for assessment of poll taxes, the assessors may use the lists prepared by the board, or such parts thereof as they deem advisable. The board shall furnish all information in its possession necessary to aid the assessors in the performance of their duties.

SECTION 4. The board shall, on or before the first day of June in each year, prepare printed copies of the lists prepared under the preceding section. The board shall print such lists in pamphlet form by precincts, deliver to the assessors as many copies thereof as they may require, and hold the remaining copies for public distribution.

SECTION 5. If a person, twenty years of age or upward, resident in said city of Lynn on the first day of January, was not listed by the board, he shall, in order to establish his right to be listed, appear before the board of election commissioners at such time as it may designate, the members of which are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that

he was on said day a resident of said city, giving his name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the current year and his residence on the first day of January in the preceding year.

A person, twenty years of age or upward, who becomes a resident of said city after the first day of January and desires to be listed, shall appear before any member of the board of election commissioners each of whom is hereby authorized to administer oaths for the purpose, and present a statement in writing under oath that the applicant became a resident of said city at least six months immediately prior to the election at which he claims the right to vote, giving his name, age, nationality, if not a citizen of the United States, occupation and his present residence, the date when he became a resident of said city, and his residence on the first day of January in the current year and on such other dates as the board of election commissioners may require.

If the board of election commissioners, after investigation and report by the chief of police or a police officer detailed by him, is satisfied that such statements are true, it shall give the applicant a certificate that he was a resident of said city on said first day of January, which certificate shall state his name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the preceding year, or a certificate that he became a resident of said city at least six months immediately preceding the election, which certificate shall state his name, age, occupation, nationality, if not a citizen of the United States, and present residence, the date when he became a resident of said city, and his residence on the first day of January in the current year and on the other dates required as aforesaid; but no such application shall be received, and no such person shall be listed or given said certificate, between the twentieth day preceding, and the day following, a state or municipal election. The election commissioners shall also forthwith transmit to the assessors the names of all persons receiving such certificates, together with their residences as appearing on said certificates.

In every place where oaths are administered for the purpose of listing, the board of election commissioners shall post in a conspicuous place a copy of section seven of chapter fifty-six of the General Laws, printed on white paper with black ink, in type not less than one quarter of an inch wide.

SECTION 6. The board of election commissioners shall keep its office open during such hours as shall be necessary to carry out the preceding section.

SECTION 7. The election commissioners shall, after the first day of January in each year, prepare an annual register containing the names of all qualified voters in said city of Lynn for the current year, beginning with the first day of January. The names shall be arranged by precincts and,

opposite the name of each voter, shall be entered his residence on the preceding first day of January or on any subsequent day when he became a resident of said city. The election commissioners shall enter in the annual register every name contained in the lists, for the current year, of persons listed by the listing board, giving, as the residence of each person on the first day of January, the place at which he was listed by said board; provided, that in every case they are able to identify the name so listed as that of a person whose name was borne on the voting list of said city at the last preceding election. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any of the election commissioners, until such person has been duly notified and given an opportunity to be heard by them, and shall have appeared and satisfied them of his right to have his name so entered. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, on or before the first Monday of August in each year, send notice in writing by mail to each voter of the preceding year whose name has not been entered in the annual register of the current year that his name has not been so entered.

SECTION 8. This act shall take effect on the thirty-first day of December in the current year.

Approved May 26, 1938.

AN ACT RELATIVE TO NOTICE OF DETERMINATION OF HOLDING STATE PRIMARIES BY WARDS OR PRECINCTS AND RELATIVE TO THE NOMINATION OF CANDIDATES TO BE VOTED FOR AT SUCH PRIMARIES AND TO THE TIME FOR FILING NOMINATION PAPERS. Chap. 373

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty-three of the General Laws is hereby amended by striking out section forty-two, as most recently amended by section two of chapter twenty-four of the acts of nineteen hundred and thirty-seven and as affected by chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 42.* In cities or towns where the aldermen or selectmen determine the question of holding state primaries by wards, precincts or groups of precincts, they shall give notice of their determination to the state secretary on or before July first; except that in

G. L. (Ter. Ed.), 53, § 42, etc., amended.

Notice to state secretary that primaries will be held by wards, precincts or groups of precincts.

the case of primaries before special elections they shall give such notice at least fourteen days before the primaries.

G. L. (Ter.
Ed.), 53,
§ 44, etc.,
amended.

Nomination
papers, number
of signatures
required.

SECTION 2. Said chapter fifty-three is hereby further amended by striking out section forty-four, as most recently amended by chapter thirty-eight of the acts of nineteen hundred and thirty-five and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following: — *Section 44.* The nomination of candidates for nomination or election at state primaries shall be by nomination papers. In the case of offices to be filled by all the voters of the commonwealth such papers shall be signed in the aggregate by at least one thousand voters, not more than two hundred and fifty to be from any one county. Such papers for all other offices to be filled at a state election, and for members of committees and delegates to state conventions, shall be signed by a number of voters equal in the aggregate to five voters for each ward and each town in the district or county, but in no case shall more than two hundred and fifty be required.

G. L. (Ter.
Ed.), 53,
§ 48, etc.,
amended.

Last day
for filing.

SECTION 3. Section forty-eight of said chapter fifty-three, as most recently amended by chapter two hundred and seventy-two of the acts of the current year, and as affected by said chapter three hundred and eighty-four, is hereby further amended by striking out the first paragraph and inserting in place thereof the following: — All nomination papers of candidates to be voted for at state primaries shall be filed with the state secretary on or before the seventh Tuesday preceding the day of the primaries; except in the case of primaries before special elections, when nomination papers shall be filed on or before the second Tuesday preceding the day of the primaries.

G. L. (Ter.
Ed.), 53,
§ 10, etc.,
amended.

Time for filing
certificates of
nomination
and nomination
papers
for election.

SECTION 4. The first paragraph of section ten of said chapter fifty-three, as appearing in section two of chapter forty-five of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out, in the fourth line, the word "twelfth" and inserting in place thereof the word: — fourteenth, — so as to read as follows: — All certificates of nomination and nomination papers of candidates for offices to be filled at a state election shall be filed on or before the fourteenth Tuesday preceding the day of the election; but if there is a special election to fill any state office, all certificates of nomination and nomination papers shall be filed on or before the fourth Tuesday preceding the day of such election.

Approved June 1, 1938.

Chap. 374 AN ACT AUTHORIZING THE TOWN OF PAXTON TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED FROM J. RALPH BARCLAY.

Be it enacted, etc., as follows:

SECTION 1. The town of Paxton is hereby authorized to refund to J. Ralph Barclay of the town of Spencer the sum of two hundred and seventy dollars and ninety-two cents,

the same being the amount which has heretofore been collected by said town of Paxton from said Barclay as taxes upon certain real estate located in said town of Spencer, which through mistake was erroneously assumed by the assessors of said town of Paxton to have been located within the limits of said town of Paxton.

SECTION 2. This act shall take effect upon its passage.
Approved June 1, 1938.

AN ACT AUTHORIZING THE CITY OF BEVERLY TO REFUND
CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COL-
LECTED FROM ALONZO B. MORSE. Chap.375

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly is hereby authorized to refund to Alonzo B. Morse of said city the sum of one hundred and seventy-two dollars, the same being the amount which has heretofore been collected by said city from said Morse as taxes upon certain real estate in said city, which through mistake was erroneously assumed by the assessors of said city to have been the property of said Morse.

SECTION 2. This act shall take effect upon its passage.
Approved June 1, 1938.

AN ACT AUTHORIZING THE COUNTY OF DUKES COUNTY TO
BORROW MONEY FOR THE PURPOSE OF CONTRIBUTING TO
THE COST OF A HIGHWAY IN THE TOWN OF GAY HEAD. Chap.376

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing to the cost of the construction by the state department of public works of a highway in the town of Gay Head, the county commissioners of the county of Dukes County may from time to time borrow, upon the credit of the county, such sums as may be necessary, not exceeding, in the aggregate, fifteen thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Dukes County Highway Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. The treasurer of said county, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial

bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1938.

Chap.377 AN ACT RELATIVE TO THE POLICE COMMISSIONER FOR THE CITY OF BOSTON AND HIS SECRETARY.

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter two hundred and ninety-one of the acts of nineteen hundred and six is hereby amended by striking out the second, third and fourth paragraphs and inserting in place thereof the following:—

Said police commissioner shall be appointed for a term of seven years and shall hold office until his successor is qualified, and any vacancy occurring in said office shall be filled by the governor, with the advice and consent of the council, for a term of seven years.

Said police commissioner may be removed by the governor, with the advice and consent of the council, for just cause, after a public hearing to be held at least seven days after said commissioner shall have been given written notice of the time and place thereof and shall have been furnished with a statement of the specific charges preferred against him.

Said police commissioner shall appoint a secretary, who shall be exempt from the civil service laws and rules and regulations, shall be sworn to the faithful performance of his duties and shall keep such records, issue such notices and attest such papers and orders as said police commissioner shall direct. His term of office shall be seven years, but he may be removed by said police commissioner for such cause as said commissioner shall deem sufficient. Such cause shall be stated in his order of removal.

SECTION 2. This act shall apply to the police commissioner for the city of Boston in office upon its effective date and the term of said commissioner is hereby extended for an additional period of two years.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1938.

Chap.378 AN ACT PROVIDING AN ADDITIONAL OPTIONAL STANDARD FORM OF CITY CHARTER UNDER WHICH SUBSTANTIAL CONTROL OF THE CITY GOVERNMENT IS VESTED IN A CITY COUNCIL ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION, WITH A CITY MANAGER APPOINTED AND REMOVABLE AT PLEASURE BY THE CITY COUNCIL.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter forty-three of the General Laws, as appearing in the Tercentenary Edition, is

hereby amended by inserting after the word “inclusive” in the twenty-second line the following three new paragraphs:—

“Plan E”, a city government and legislative body, to be known as the city council, composed of seven or nine members, one of whom shall be elected as mayor by and from such members and shall be the official head of the city, and an administrative officer, called the city manager; the members of the city council and the elective members of the school committee to be elected at large by proportional representation.

Definitions.

“Elected at large”, elected by and from all the voters of the city.

“Proportional representation”, any proportional representation method of election authorized by sections ninety-three to one hundred and sixteen, inclusive.

SECTION 2. Section five of said chapter forty-three, as so appearing, is hereby amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 43, § 5, amended.

This section shall not authorize the city council in any city which adopts Plan E to take any action to accomplish any result not contemplated by the provisions of sections one hundred and three to one hundred and six, inclusive.

Limitation of powers of city upon acceptance of Plan E.

SECTION 3. Section eight of said chapter forty-three, as so appearing, is hereby amended by striking out the form of petition contained therein and inserting in place thereof the following:—

G. L. (Ter. Ed.), 43, § 8, amended.

To the city council (or other legislative body) of the city of

We, the undersigned, qualified voters of the city, respectfully petition your honorable body to cause to be submitted to a vote of the voters the following question: “Shall the city of _____ adopt the form of government defined as Plan (A, B, C, D or E, as it is desired by petitioners), and consisting of (describe plan briefly, as government by a mayor and nine councillors elected at large; or, government by a mayor and councillors elected partly at large and partly from wards or districts; or, government by five commissioners, one of whom shall be the mayor; or, government by a mayor and four councillors, and having a city manager; or, government by a city council to be elected at large by proportional representation, one member of which shall be the mayor, and having a city manager, as the case may be), with elections to be held (in the case of Plan A, B, C or D, annually, biennially in every even numbered year, or biennially in every odd numbered year, as it is desired by petitioners, or, in the case of Plan E, biennially in every odd numbered year), according to chapter forty-three of the General Laws relating to city charters?”

Form of petition.

SECTION 4. Section ten of said chapter forty-three, as so appearing, is hereby amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 43, § 10, amended.

Petition
under chapter
54A to be
voted upon
first, when.

If, pending the determination of the question proposed by a petition already filed under chapter fifty-four A, a petition presenting the question of the adoption of one of the plans provided for in this chapter shall be presented for filing with the city clerk, no action shall be taken upon the later petition, except to file it, until after the submission to a vote of the question proposed by the petition under said chapter fifty-four A. Should the result of such vote be adverse thereto, proceedings shall then be had upon the later petition as though it had been filed upon the day when such vote on the petition under said chapter fifty-four A was cast.

G. L. (Ter.
Ed.), 43,
§ 15, etc.,
amended.

SECTION 5. Section fifteen of said chapter forty-three, as amended by section seven of chapter three hundred and thirteen of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end the following: —, except that in any city adopting Plan E such election shall take place on the Tuesday next following the first Monday of November, — so that the last paragraph will read as follows: —

Dates of
election.

If the plan adopted provides for elections to be held biennially in every odd numbered year, then the regular municipal election held under the provisions of such plan shall take place on the Tuesday next following the first Monday of December in every odd numbered year, except that in any city adopting Plan E such election shall take place on the Tuesday next following the first Monday of November.

G. L. (Ter.
Ed.), 43,
§ 17, amended.

SECTION 6. Said chapter forty-three is hereby further amended by striking out section seventeen, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 17.* On the first Monday in January following a regular municipal election, at ten o'clock in the forenoon, the mayor-elect if elected by the people, the councillors-elect, and the assessors-elect if elected by the people, shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by a justice of the peace, and a certificate thereof shall be entered in the journal of the city council. At any regular council meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councillor absent from the meeting on the first Monday in January; provided, that, under Plan E, the oath may be so administered to the mayor and vice-chairman at the same meeting at which they are respectively elected.

G. L. (Ter.
Ed.), 43,
§ 18, amended.

SECTION 7. Section eighteen of said chapter forty-three, as so appearing, is hereby amended by inserting after paragraph 3 the following new paragraph: —

City auditor,
election, duties.

4. The council in any city adopting Plan E shall, by a majority vote, elect a city auditor to hold office for three years and until his successor is qualified. He shall keep and have charge of the accounts of the city and from time to time audit the books and accounts of all departments, commissions, boards and offices of the city, and shall have

such other powers and perform such other duties as the council may prescribe, in addition to such duties as may be prescribed by law.

SECTION 8. Said chapter forty-three is hereby further amended by striking out section nineteen, as so appearing, and inserting in place thereof the following:— *Section 19.* The city council at any time may request from the mayor, or, under Plan E, from the city manager, specific information on any municipal matter within its jurisdiction, and may request him to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the mayor, or, under Plan E, by the city manager, of said questions. The mayor, or, under Plan E, the city manager, shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor, or, under Plan E, the city manager, may attend and address the city council in person or through the head of a department, or a member of a board, upon any subject.

G. L. (Ter. Ed.), 43, § 19, amended.
Information by mayor or city manager to city council.

SECTION 9. Section twenty-six of said chapter forty-three, as amended by section one of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the second line, the words "and fifty-nine A" and inserting in place thereof the following:— , fifty-nine A, eighty-six and one hundred and two,— so that the first paragraph will read as follows:— Except as otherwise provided in sections fifty A, fifty-nine A, eighty-six and one hundred and two, if a vacancy occurs in the office of the mayor or city council before the last six months of the term of office, the city council shall order an election for a mayor or a member of the council to serve for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of the term, the president of the city council shall succeed to said office for the unexpired term. If the mayor is absent or unable from any cause temporarily to perform his duties they shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

G. L. (Ter. Ed.), 43, § 26, etc., amended.

Certain vacancies, how filled.

SECTION 10. Said chapter forty-three is hereby further amended by striking out section twenty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 29.* All contracts made by any department, board or commission where the amount involved is five hundred dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor under Plan A, B, C or D, or of the city manager under Plan E, and also of the officer or of the head of the department or of the chairman of the

G. L. (Ter. Ed.), 43, § 29, amended.

Approval of certain contracts.

board, as the case may be, making the contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board or official having the matter in charge, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, if any, and the officer, department or board, as the case may be, making the contract, with the approval of the mayor under Plan A, B, C or D, or of the city manager under Plan E, affixed thereto.

G. L. (Ter.
Ed.), 43,
§ 30, amended.

Purchase or
taking of land
for municipal
purposes.

SECTION 11. Said chapter forty-three is hereby further amended by striking out section thirty, as so appearing, and inserting in place thereof the following: — *Section 30.* At the request of any department, and with the approval of the mayor and the city council under Plan A, B, C or D, or with the approval of the city manager and the city council under Plan E, the city council may, in the name of the city, purchase, or take by eminent domain under chapter seventy-nine, any land within its limits for any municipal purpose. Whenever the price proposed to be paid for land for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years the land shall not be purchased, but shall be taken as aforesaid. No land shall be taken or purchased until an appropriation by loan or otherwise for the general purpose for which land is needed has been made by the city council, by a two thirds vote of all its members; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by said department.

G. L. (Ter.
Ed.), 43,
§ 31, amended.

SECTION 12. Section thirty-one of said chapter forty-three, as so appearing, is hereby amended by inserting after the word "shall" in the eighth line the following: — , except under Plan E, — and by adding at the end the following new sentence: — After the adoption of Plan E by a city, the six members other than the mayor shall be elected at large for terms of two years each by proportional representation as hereinafter provided, — so as to read as follows: — *Section 31.* The school committee shall consist of the mayor, who shall be the chairman, and six members elected at large. At the first regular municipal election held in any city after its adoption of one of the plans provided in this chapter, there shall be elected, except as provided in this section, two members to serve for one year, two for two years and two for three years, and annually thereafter there shall be elected two members to serve for three years. If the plan adopted provides for elections to be held biennially, there shall, except under Plan E, be elected at the first regular municipal

School
committee,
number,
term, etc.

election held under the provisions of such plan, three members to serve for two years and three members to serve for four years, and biennially thereafter three members to serve for four years. After the adoption of Plan E by a city, the six members other than the mayor shall be elected at large for terms of two years each by proportional representation as hereinafter provided.

SECTION 13. Said chapter forty-three is hereby further amended by striking out section thirty-six, as so appearing, and inserting in place thereof the following: — *Section 36.* Except as provided in this section, if a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the first Monday in January following the next regular municipal election; and, if there would be a vacancy on said first Monday, it shall be filled at such regular municipal election for the balance of the unexpired term. The mayor, if present, shall preside at the convention.

G. L. (Ter. Ed.), 43, § 36, amended. Vacancies in, how filled.

Whenever under Plan E a vacancy occurs in the school committee by failure to elect, or otherwise, such vacancy shall be filled as provided in section one hundred and two.

SECTION 14. Section forty-four A of said chapter forty-three is hereby amended by striking out the first paragraph, as most recently amended by chapter thirty of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following paragraph: — In every city, governed on September first, nineteen hundred and twenty-two, by any plan provided by this chapter, which accepts sections forty-four A to forty-four G, inclusive, in the manner provided by section forty-four H, and in every city, except Boston, which, after said date adopts any such plan, except Plan E, in the manner provided in this chapter, the provisions of sections forty-four A to forty-four G, inclusive, shall apply. In such a city which accepts section one hundred and three A of chapter fifty-four, on the fourth Tuesday, and in any other such city, on the third Tuesday, preceding every regular city election, and, in all such cities, on the third Tuesday preceding any special election, at which any office mentioned in this chapter is to be filled, there shall be held, except as otherwise provided in section forty-four G, a preliminary election for the purpose of nominating candidates therefor, and section sixteen shall not apply. The first regular election, if occurring in the year in which sections forty-four A to forty-four G, inclusive, are accepted, shall be held on the third Tuesday of December.

G. L. (Ter. Ed.), 43, § 44A, etc., amended.

Preliminary elections. Nominations.

SECTION 15. Said chapter forty-three, as amended, is hereby further amended by adding at the end, under the heading "PLAN E. — GOVERNMENT BY A CITY COUNCIL INCLUDING A MAYOR ELECTED FROM ITS NUMBER, AND A CITY MANAGER, WITH ALL ELECTIVE BODIES ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION", the following twenty-four new sections: — *Section 93.* The method of city govern-

G. L. (Ter. Ed.), 43, new sections 93-116, inclusive, added.

Plan E.

ment provided for in the following twenty-three sections shall be known as Plan E. Upon the adoption by a city of Plan E, it shall become operative as provided in sections one to forty-five, inclusive, except as otherwise provided by the following sections.

Certain terms defined.

Section 94. The terms "city clerk" and "registrars of voters" when used in sections ninety-three to one hundred and sixteen, inclusive, shall have the respective meanings given them by section one of chapter fifty.

City council to be governing body.

Section 95. The government of the city and the general management and control of all its affairs shall, except as otherwise provided in this chapter, be vested in a city council, which shall exercise its powers in the manner hereinafter set forth, but subject to sections one to forty-five, inclusive, insofar as not inconsistent; except that the city manager shall have the authority hereinafter specified, that the general management and conduct of the public schools of the city and of the property pertaining thereto shall be vested in the school committee, and that the city clerk, the city auditor, any official of the city appointed by the governor and any trustees or other officers whose election by the voters of the city is required by reason of the fact that the city has accepted any gift, devise or bequest shall have the powers and duties which may be conferred and imposed upon them by law.

City council, members of, term, number.

Section 96. The city council shall consist of seven or nine members, as provided in this section, all of whom shall, at each regular municipal election, be elected at large for terms of two years each by proportional representation as hereinafter provided and shall serve until their successors are qualified. The city council in any city having seven wards or less at the time of adoption of this plan shall be composed of seven members and the city council in any city having more than seven wards at the time of adoption thereof, nine members. Section eight of chapter thirty-nine shall apply to members of the city council. All trustees or other officers mentioned in section ninety-five shall at each regular municipal election be elected at large for terms of two years each by proportional representation as hereinafter provided.

Powers.

Section 97. The city council shall have and exercise all the legislative powers of the city, except as such powers are reserved by this chapter to the school committee and to the qualified voters of the city.

Organization.

The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon of the first Monday of January following the regular municipal election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make oath at the first regular meeting of the city council thereafter which he attends. For the purposes of organization, the city clerk shall be temporary chairman

until the mayor or vice-chairman has qualified. Thereupon the city council shall, by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members and the persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected, and they may so make oath at the same meeting at which they are so elected. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members; provided, that a majority of all the members elected to the city council are present and have qualified. If the office of mayor or vice-chairman becomes vacant, the city council shall in like manner elect one of its members to fill such office for the unexpired term; provided, that no such vacancy shall be filled so long as there is any vacancy in the council.

Section 98. The city council shall fix suitable times for its regular meetings. The mayor, or the vice-chairman of the city council, or any four members thereof, or any three members thereof in the case of a city council composed of seven members, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the city council, or left at his usual dwelling place, at least twelve hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the city council are present and consent thereto. Except in the case of executive sessions, all meetings of the city council and of committees thereof shall be open to the public, and the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

Section 99. A majority of all the members elected to the city council shall constitute a quorum. The mayor, if present, shall preside at the meetings and may vote. In the absence of the mayor, the vice-chairman of the city council shall preside and, in the absence of both, a temporary chairman shall be chosen, who shall serve during the absence of both the mayor and the vice-chairman. The city clerk shall be, ex-officio, clerk of the city council, and shall keep records of its proceedings; but, in case of his absence or disability or of a vacancy in the office, the city council shall elect a temporary clerk, who shall be sworn to the faithful discharge of his duties and shall act as clerk of the city council until the city clerk resumes his duties or a new city clerk is qualified. All final votes of the city council on questions involving the expenditure of fifty dollars or more, or upon the request of any member any vote of the city council, shall be by yeas and nays and shall be entered on the records. The affirmative vote of a majority of all the members elected to the city council shall be necessary for the passage of any

Meetings.

Mayor to preside at meetings.

Duties of city clerk.

order, ordinance, resolution or vote, except that the affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the city council.

Mayor to be
official head
of city.

Section 100. The mayor shall be recognized as the official head of the city for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process and by the governor for military purposes. In time of public danger or emergency, as determined by the city council, he may, with its consent, take command of the police, maintain order and enforce the laws; and he shall have all the authority and powers conferred upon mayors by sections twenty-five A and twenty-six of chapter thirty-three. He shall be chairman of the city council and chairman of the school committee. He shall have no power to veto but shall have the same powers as any other member of either such body to vote upon all measures coming before it. He shall perform such other duties consistent with his office and with sections ninety-three to one hundred and sixteen, inclusive, as may be imposed upon him by the city council. During the absence or disability of the mayor, or during the time such office is vacant, his duties shall be performed by the vice-chairman. In case, at any time, there shall be neither a mayor nor a vice-chairman, the member of the council senior in length of service, or, if more than one have so served, then the member senior both in age and length of service shall perform the duties of mayor until a new mayor has qualified. The mayor shall have no power of appointment, except of the employees mentioned in section twenty-five and except as provided in section one hundred and two.

Salaries.

Section 101. The city council may by the affirmative vote of a majority of all its members, taken by yeas and nays, establish a salary for its members, not exceeding four thousand dollars each, and may likewise establish an additional salary for the mayor, not exceeding one thousand dollars. No member of the city council shall receive any other compensation from the city. The salary of a city councillor and the additional salary, if any, of the mayor, may be increased or diminished, but no increase therein shall be made to take effect during the term of the council voting the increase; provided, that the initial establishment of the salaries of the city councillors and the additional salary, if any, of the mayor, after the adoption of this plan may take effect in the year when established and in accordance with the vote establishing the same. No increase or reduction in such salary or additional salary shall be made by the council, after the election of a new council, to take effect with respect to the members of such new council. No additional compensation shall attach to the office of vice-chairman.

Vacancies.

Section 102. Except as provided in this section or in section twenty-six, a vacancy in any elective body shall be filled in the manner provided in section thirteen of chapter fifty-four A. If, under said section, no regularly nominated candidate of the city council or school committee remains,

the vacancy shall be filled for the unexpired term by a majority vote of the remaining members, except that if the remaining members fail to fill such vacancy within thirty days after they shall have been notified by the city clerk that such vacancy exists, such vacancy shall be filled by the appointment of any qualified voter of the city by the mayor, or, if there is no mayor, by the vice-chairman, or if there is no mayor or vice-chairman, by the member of the council or of the school committee, as the case may be, senior in length of service, or, if more than one have so served, then the member senior both in age and length of service.

Section 103. The city council shall appoint a city manager who shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and offices of the city, whether established before its adoption of this plan or thereafter, except that of the city clerk, city auditor, any official appointed by the governor or any body elected by the voters of the city. He shall be appointed on the basis of his administrative and executive qualifications only, and need not be a resident of the city or commonwealth when appointed. He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance, but not exceeding twenty thousand dollars annually. No member of the city council shall during his term of office be chosen as city manager, and no person who has within two years been elected to or served in any elective office in the city or in the county in which the city is located or in the commonwealth shall be chosen as city manager.

City manager,
appointment,
term, salary.

Before the city manager may be removed, if he so demand, he shall be given a written statement of the reasons alleged for his removal and shall have the right to be heard publicly thereon at a meeting of the city council prior to the final vote on the question of his removal, but pending and during such hearing the city council may suspend him from office. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the city council. In case of the absence, disability or suspension of the city manager, the city council shall designate the head of some department to perform the duties of city manager during such absence, disability or suspension, and, in case the office of city manager becomes vacant, the city council shall designate the head of some department to serve as acting city manager until a new city manager is appointed.

Removal.

Section 104. Except as otherwise specifically provided in this chapter, it shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed; and to make such recommenda-

City manager,
powers and
duties.

tions to the city council concerning the affairs of the city as may to him seem desirable; to make reports to the city council from time to time upon the affairs of the city; and to keep the city council fully advised of the city's financial condition and its future needs. He shall prepare and submit to the city council budgets as required of the mayor by section thirty-two of chapter forty-four and, in connection therewith, may, to the extent provided by said section thirty-two in the case of a mayor, require the submission to him, by all departments, commissions, boards and offices of the city, of estimates of the amounts necessary for their expenses. He shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise provided in this chapter, and shall perform such other duties as may be prescribed by this chapter or be required of him by ordinance or resolution of the city council. The city manager shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this plan, by the mayor, board of aldermen, common council and all other boards, commissions and committees of the city and their members, severally or collectively, except such as are by this chapter conferred upon the school committee or are otherwise provided for thereby.

Appointments.

Section 105. Such officers and employees as the city council, with the advice of the city manager, shall determine are necessary for the proper administration of the departments, commissions, boards and offices of the city for whose administration the city manager is responsible shall be appointed, and may be removed, by the city manager. The city manager shall report every appointment and removal made by him to the city council at the next meeting thereof following such appointment or removal. The city manager may authorize the head of a department, commission or board, or the holder of an office, for whose administration he is responsible, to appoint and remove subordinates in such department, commission, board or office. All appointments by, or under the authority of, the city manager, if subject to chapter thirty-one and the rules and regulations made under authority thereof, shall be made in accordance therewith, and all other appointments as aforesaid shall be on the basis of executive and administrative ability and training and experience in the work to be performed.

Duties of subordinate officers.

Section 106. Officers and employees of the city appointed by, or under the authority of, the city manager shall perform the duties required of them by the city manager, under general regulations of the city council. Any violation of this section shall constitute sufficient grounds for removal of any such officer or employee.

Members of city council

Section 107. Neither the city council nor any of its committees or members shall direct or request the appointment

of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible. Except for the purpose of inquiry, the city council and its members shall deal with that portion of the service of the city as aforesaid solely through the city manager, and neither the city council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately. Any member of the city council who violates, or participates in the violation of, any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office in the city council shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.

not to influence appointments.

Penalty.

Section 108. No employee of any department, board or commission of the city shall, directly or indirectly, give, solicit or receive, or in any manner be concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for city office. Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office or position in the service of the city shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.

Soliciting of contributions by employees prohibited.

Penalty.

Section 109. The regular municipal election under this plan shall take place on the Tuesday next following the first Monday of November in every odd numbered year, and all members of the city council, the school committee and any board of trustees or other officers referred to in section ninety-five, and no others, shall be elected at each such election.

Date of election.

Section 110. Any registered voter of the city who is eligible for election to any elective municipal body shall be entitled to have his name printed as a candidate therefor on the official ballot to be used at the regular municipal election; provided, that at least ten days prior to such election there shall be filed with the city clerk a statement in writing of his candidacy, signed by him, and with such statement the petition of not less than fifty nor more than one hundred registered voters of the city, whose signatures shall have been certified as required by law. Except as aforesaid, no person shall be entitled to have his name printed as a candidate on such ballot. Said statement and petition shall be in substantially the following form:

Eligibility for elections.

STATEMENT OF CANDIDATE.

I (), on oath declare that I reside at (number, if any) on (name of street) in the city of ; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for the office of (name of office) to be voted for at the regular municipal election to be held on Tuesday, the day of , nineteen hundred and ; and I request that my name be printed as such candidate on the official ballot for use at said election.

(Signed)

COMMONWEALTH OF MASSACHUSETTS.

SS.

Subscribed and sworn to at () on this day of , nineteen hundred and before me,

(Signed)

*Justice of the Peace,
(or Notary Public).*

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Whereas (name of candidate) is a candidate for the office of (state the office), we, the undersigned, voters of the city of , duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the regular municipal election to be held on the Tuesday of , nineteen hundred and .

The petition may be on one or more papers and need not be sworn to.

Nomination
papers.
Signatures.

Section 111. Any nomination papers filed under section one hundred and ten bearing more than the maximum number of signatures permitted thereby shall be invalid. No voter may sign the nomination papers of more than one candidate for election as a member of any elective municipal body; and if a voter signs nomination papers of more than one such candidate his signature shall be invalid on all such papers except the one first acted upon by the registrars of voters.

Separate form
of ballots.

Section 112. There shall be a separate form of ballot for each body to be elected, and each such separate form of ballot shall be of a different and clearly distinguishable color from that of any other form of ballot prepared and furnished at the public expense for use at the same election. On such ballots for use in electing members of any elective body there shall be printed the following directions to voters, the first sentence under the heading to be printed in prominent bold faced type:

DIRECTIONS TO VOTERS.

Do NOT use X marks.

Mark your choices with NUMBERS only.

Put the figure 1 opposite your first choice; the figure 2 opposite your second choice; the figure 3 opposite your third choice; and so on. Mark as many choices as you please.

Do not put the same figure opposite more than one name.

If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots and get another from him.

No official ballot used at any regular municipal election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

Section 113. The provisions of sections five, six and seven of chapter fifty-four A and so much of section eight thereof as relates to the order of polling places by which ballots are to be counted shall apply with respect to municipal elections in a city adopting this plan.

Application of certain provisions of chapter 54A.

Section 114. As soon as the polls have closed, the election officials at each polling place shall seal the ballot box without opening it, and in such manner that ballots cannot be removed therefrom or inserted therein without breaking the seal, and shall deliver such ballot box at once, as the city clerk may direct, to the central counting place, together with the voting lists, a record of the ballot box register, a record of the number of ballots given out, the ballots spoiled and returned, and the ballots not given out, all of which shall be enclosed in an envelope, and the election officials shall certify thereon as to the identity of the contents thereof. At the central counting place the ballot boxes shall be opened and the number of ballots found therein recorded and compared with the records sent from the polling places. Any discrepancies discovered shall be recorded and dealt with according to the principles laid down by the general election laws, so far as such principles may be applicable. The ballots for the city council shall be counted first and the ballots for the school committee shall be counted second. Ballots cast for other purposes than the election of members to elective bodies shall be counted at the central counting place in accordance with the laws otherwise applicable to the counting thereof. No information regarding the count of the ballots by wards or precincts shall be given out at any time.

Duties of election officials upon closing of polls.

Section 115. Except as otherwise provided in sections ninety-three to one hundred and sixteen, inclusive, of this chapter, the provisions of sections nine to sixteen, inclusive, of chapter fifty-four A relative to proportional representation shall apply with respect to municipal elections in any

Proportional representation, application of certain provisions of chapter 54A.

city adopting this plan. In any city where elections by proportional representation are to be held, any method of counting the voters' first choices and treating any such choices in excess of the quota, provided for under any system of proportional representation which on January first, nineteen hundred and thirty-eight, was in effect for the purpose of municipal elections in any city of the United States, may be substituted for the method of counting such choices set forth in said sections nine to sixteen, inclusive, of chapter fifty-four A, if the registrars of voters determine that such substitution is advisable; provided, that they issue regulations embodying the method so substituted; and provided, further, that such regulations shall not be effective with respect to any election unless at least thirty days prior thereto copies of such regulations are available for delivery to such of the voters as may request them.

Provisions of
general laws
to apply.

Section 116. Except as otherwise provided in this chapter, all regular elections held under this plan shall be subject to all general laws relating to elections and corrupt practices, so far as applicable and not inconsistent with this chapter.

G. L. (Ter.
Ed.), 44,
§ 32, etc.,
amended.

SECTION 16. Section thirty-two of chapter forty-four of the General Laws, as most recently amended by section one of chapter one hundred and seventy-five of the acts of the current year, is hereby amended by adding at the end the following paragraph: —

Budget.

The provisions of this section shall apply, in any city adopting the Plan E form of government under chapter forty-three, only to the extent provided in section one hundred and four of said chapter.

G. L. (Ter.
Ed.), 54A,
§ 2, etc.,
amended.

SECTION 17. Section two of chapter fifty-four A of the General Laws, inserted by section one of chapter three hundred and forty-one of the acts of the current year, is hereby amended by adding at the end the following paragraph: —

Action on
petition sus-
pended in
certain cases.

If, pending the determination of the question of the adoption of one of the plans provided for by chapter forty-three, which has already been filed, a petition under this chapter shall be presented for filing with the city clerk, no action shall be taken upon the petition under this chapter, except to file it, until after the submission to a vote of the question proposed by the earlier petition. Should the result of such vote be adverse thereto, proceedings shall then be had upon the petition under this chapter as though it had been filed on the day when such vote on the earlier petition was cast.

Approved June 1, 1938.

Chap. 379 AN ACT RELATIVE TO THE AMOUNT OF PENSION OF CERTAIN PRISON OFFICERS AND EMPLOYEES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32,
§ 48, amended.

Chapter thirty-two of the General Laws is hereby amended by striking out section forty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 48.* An officer, instructor or employee

Amount of
pension.

who is retired under section forty-six shall be allowed a pension equal to one half of the salary which he was receiving at his retirement. In computing the salary of such an officer, instructor or employee who receives a non-cash allowance in the form of full or partial boarding or housing, the commissioner of correction shall add to the cash payment for regular services an amount which, in case of full boarding and housing, shall not exceed seven dollars a week and, in case of partial housing and boarding, shall not exceed a fair proportion of such amount. The pension, in the case of an officer, instructor or employee of the state prison, Massachusetts reformatory, state farm or reformatory for women, shall be paid in monthly instalments by the commonwealth; and in the case of an officer or instructor of a jail or house of correction, the pension shall be paid in monthly instalments by the county.

Approved June 1, 1938.

AN ACT AUTHORIZING THE CHARGING OF CERTAIN FEES BY CITY AND TOWN CLERKS OR REGISTRARS FOR THE EXPENSE OF THE EXAMINATION OR COPYING BY THEM OF RECORDS OF BIRTHS, MARRIAGES AND DEATHS. Chap. 380

Be it enacted, etc., as follows:

Chapter two hundred and sixty-two of the General Laws is hereby amended by inserting after section thirty-four, as amended, the following new section: — *Section 34A.* Every person upon whose application an examination of records or papers relating to births, marriages or deaths is made by direction of a city or town clerk or registrar shall pay to such clerk or registrar therefor the actual expense thereof, and of copying the manuscript or record required; but any such person whom such clerk or registrar considers to be entitled to exemption from said fees shall receive such service and copies for such reduced fees, or without fee, as such clerk or registrar may determine.

G. L. (Ter. Ed.), 262, new section 34A, added.
Fees for copies, etc., of records.

Approved June 1, 1938.

AN ACT INCREASING THE NUMBER OF PHYSICIANS WHO MAY BE AUTHORIZED TO APPEAR BEFORE THE DEPARTMENT OF INDUSTRIAL ACCIDENTS ON BEHALF OF INJURED EMPLOYEES IN CERTAIN CASES, AND RELATIVE TO THE PAYMENT OF FEES TO SUCH PHYSICIANS. Chap. 381

Be it enacted, etc., as follows:

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section nine A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 9A.* Whenever a medical question is in dispute in any case, and an impartial physician has not, prior to seven days before the date assigned for each hearing thereon, been appointed by the department or a member thereof, the employee may engage his own physi-

G. L. (Ter. Ed.), 152, § 9A, amended.
Fees for physicians appearing before department in behalf of injured employees.

cian, and one additional physician if the single member or the department finds that justice and equity require the same, to appear and testify in his behalf, and, if the decision of the single member or of the department is in favor of the employee, a reasonable fee shall be allowed by the member or by the department for the services of each such physician and shall be added to the amount awarded to the employee and be paid by the insurer under the provisions of this chapter; provided, that, notwithstanding the foregoing, in every case wherein the decision of the single member or of the department is in favor of the employee, if more than one physician appeared and testified in behalf of the insurer a reasonable fee shall be allowed for the services of each of the physicians, up to a like number, who appeared and testified in behalf of the employee, which fees shall be added to the amount so awarded and be paid by the insurer under the provisions of this chapter. *Approved June 1, 1938.*

Chap.382 AN ACT RELATIVE TO THE USE BY DANA HALL SCHOOL OF THE NAME PINE MANOR JUNIOR COLLEGE.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The Dana Hall School, a corporation incorporated under general law on January fifth, nineteen hundred and twenty-three, may use the name of Pine Manor Junior College as applying to the division of the said Dana Hall School known as Pine Manor, and said corporation may use the designation of "college" as aforesaid notwithstanding the provisions of section eighty-nine of chapter two hundred and sixty-six of the General Laws.

SECTION 2. The use of the name of Pine Manor Junior College by said corporation prior to the effective date of this act is hereby validated. *Approved June 2, 1938.*

Chap.383 AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE CITY OF BOSTON TO MAKE CERTAIN APPROPRIATIONS FOR CERTAIN UNPAID BILLS, AND AUTHORIZING THE CITY OF BOSTON TO PAY SAID UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred during the year nineteen hundred and thirty-seven by the department of school buildings of the city of Boston, as shown in the list on file in the office of the director of accounts in the department of corporations and taxation,

as are legally unenforceable against said city by reason of their being incurred in excess of available appropriations or by reason of the city's failure to comply with the provisions of its charter, and as may be certified for payment by the superintendent of construction of the department of school buildings, the same to be charged to the sum provided for the current year under paragraph (b) of section two of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1938.

AN ACT ESTABLISHING THE MINIMUM ENTRY FEE UNDER THE INFORMAL PROCEDURE IN THE CASE OF CERTAIN APPEALS TO THE APPELLATE TAX BOARD.

Chap. 384

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section seven A of chapter fifty-eight A of the General Laws, as amended by chapter four hundred and forty-seven of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the third sentence and inserting in place thereof the following: — An appellant desiring to be heard under the informal procedure shall pay to the clerk the entry fee provided in section seven, except that the minimum entry fee shall be two dollars if the assessed valuation of the property on which the tax appealed from was assessed does not exceed twenty thousand dollars and such property is occupied in whole or in part by the appellant as his dwelling, and shall file a written waiver of the right of appeal to the supreme judicial court, except upon questions of law raised by the pleadings or by an agreed statement of facts or shown by the report of the board, an election of the informal procedure and a written statement of the facts in the case and of the amount claimed in abatement together with such additional information as the clerk may require.

G. L. (Ter. Ed.), 58A, § 7A, etc., amended.

Informal procedure. Entry fee.

Approved June 2, 1938.

AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN SUMS PAID TO THE TEACHERS' ANNUITY FUND IN CASE OF THE DEATH OF A TEACHER WHILE ACCUMULATING THE AMOUNT REQUIRED FOR MEMBERSHIP.

Chap. 385

Be it enacted, etc., as follows:

Paragraph (3) of section seven of chapter thirty-two of the General Laws, as amended by section two of chapter two hundred and thirty-two of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out the last sentence and inserting in place thereof the following

G. L. (Ter. Ed.), 32, § 7, etc., amended.

sentence:— If a teacher dies before said full amount has been accumulated, his total contributions, with regular interest thereon, shall be paid to his legal representatives; provided, that, if the sum so due does not exceed three hundred dollars and there has been no demand therefor by a duly appointed executor or administrator, payment may be made, after the expiration of three months from the date of the death of such teacher, to the persons appearing, in the judgment of the board, to be entitled thereto, and such payment shall be a bar to recovery by any other person, — so as to read as follows: —

Teachers' retirement fund.
Disposition of certain sums paid into retirement fund.

(3) Any teacher who entered the service of the public schools before July first, nineteen hundred and fourteen, who has not become a member of the association, may hereafter, before attaining the age of seventy, upon written application to the board, become a member of the association by paying into the annuity fund established by paragraph (2) of section nine an amount equal to the total assessments, together with regular interest thereon, which he would have paid if he had joined the association on September thirtieth, nineteen hundred and fourteen, and had continued to serve in his regular position as teacher during all periods while he was serving as an exchange teacher; and any amount paid hereunder shall thereby become a part of the assessments of the member making the same. Such a teacher may make application for membership and accumulate in the annuity fund in instalments, in accordance with such rules as the board shall adopt, the amount due to join the association, he being enrolled a member of the association when the total amount due on account of back assessments and interest has been accumulated in the annuity fund; provided, that all instalments must be paid before the teacher is sixty years of age. Until the full amount required for membership has been accumulated, a teacher may at any time discontinue payments and withdraw his total contributions with the regular interest thereon. If a teacher dies before said full amount has been accumulated, his total contributions, with regular interest thereon, shall be paid to his legal representatives; provided, that, if the sum so due does not exceed three hundred dollars and there has been no demand therefor by a duly appointed executor or administrator, payment may be made, after the expiration of three months from the date of the death of such teacher, to the persons appearing, in the judgment of the board, to be entitled thereto, and such payment shall be a bar to recovery by any other person.

Approved June 2, 1938.

Chap. 386 AN ACT REGULATING THE TRANSPORTATION OF NEAT CATTLE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 129, new section 36C, added.

Chapter one hundred and twenty-nine of the General Laws is hereby amended by inserting after section thirty-six B, inserted by chapter three hundred and fourteen of the

acts of the current year, the following new section: — *Section 36C.* No person, except the owner of the cattle being transported or a person acting under written authority of such owner, shall transport neat cattle on any public highway unless he then has in his possession a bill of sale or a memorandum signed by the owner of such cattle and containing the owner's address, the number, breed and ear tag number of the cattle and the name of the place or places to which the cattle are to be transported. Any person, except as aforesaid, transporting such cattle shall on demand exhibit such bill of sale or memorandum to any officer qualified to serve criminal process. Whoever violates any provision of this section shall be punished by imprisonment in the state prison for not more than five years, or in a jail or house of correction for not less than thirty days nor more than two and one half years, or by a fine of not more than two hundred dollars. *Approved June 2, 1938.*

Transportation
of neat cattle.

AN ACT INCREASING THE ANNUAL SALARIES FOR SCRUB WOMEN AND CLEANERS EMPLOYED BY THE COMMONWEALTH. *Chap. 387*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter eight of the General Laws, as amended by section one of chapter four hundred and sixty of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the third line, the word "nine" and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 5.* Scrub women and cleaners employed by the commonwealth shall each receive an annual salary of ten hundred and fifty dollars, payable weekly. Their work shall not, without proportionate payment for overtime, exceed thirty-three hours weekly and they shall be entitled to the same rights and privileges in respect to sick leave, holidays and vacations as other state employees.

G. L. (Ter.
Ed.), S. § 5,
etc., amended.

Salaries for
scrub women.

SECTION 2. This act shall take effect upon the first day of June in the current year. *Approved June 7, 1938.*

Effective
date.

AN ACT AUTHORIZING THE DISTRICT LODGE NO. 2 OF THE SCANDINAVIAN FRATERNITY OF AMERICA TO GRANT CERTAIN DEATH BENEFITS. *Chap. 388*

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The District Lodge No. 2 of the Scandinavian Fraternity of America, as now or hereafter constituted and established under the charter, constitution and by-laws of the Supreme Lodge of the Scandinavian Fraternity of America, a corporation established under the laws of the state of Ohio, is hereby authorized to transact business in the commonwealth and to pay death benefit to families or dependents of deceased members as fixed by its by-laws, but not exceeding two hundred dollars in case of the death of any one member.

SECTION 2. The said District Lodge shall, except as otherwise provided in this act, be subject to the provisions of section forty-six, except the third paragraph thereof, of chapter one hundred and seventy-six of the General Laws, relative to limited fraternal benefit societies.

Approved June 7, 1938.

Chap. 389 AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO IMPROVE A PORTION OF THE ABERJONA RIVER AND A PORTION OF THE UPPER MYSTIC LAKE IN THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to improve, by dredging or otherwise, a portion of the Aberjona river and a portion of the Upper Mystic lake, both in the town of Winchester.

SECTION 2. The commission may, on behalf of the commonwealth, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such public and private lands, or parts thereof, or rights therein, as may be necessary for carrying out the provisions of section one. The commission may also in the name of the commonwealth, sell and convey, with or without suitable restrictions, land and property or any interest therein, or abandon any such interest less than fee, taken or acquired hereunder, but deemed by it to be no longer needed for said improvement.

SECTION 3. The cost of said improvement and the land takings for the same, including any damages awarded or paid on account of any injury to land or property, and all other expenses incurred in carrying out the provisions of this act, shall be deemed to be the cost of the work herein authorized, and the cost of such work shall be assessed upon, and paid by, the cities and towns of the metropolitan parks district in proportion to the respective taxable valuations of the property of said cities and towns, as such term is defined in section fifty-nine of chapter ninety-two of the General Laws.

SECTION 4. For the purposes of this act, said commission may expend such sums, not exceeding, in the aggregate, one

hundred thousand dollars, as may hereafter be appropriated therefor.

SECTION 5. This act shall take effect upon its passage.

Approved June 7, 1938.

AN ACT REVIVING THE NICHOLS JUNIOR COLLEGE.

Chap. 390

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Nichols Junior College, a corporation dissolved by section one of chapter one hundred and eighty-seven of the acts of nineteen hundred and thirty-four, is hereby revived with the same powers, duties and obligations, including the powers granted by chapter two hundred and twenty-three of the acts of the current year, as if said chapter one hundred and eighty-seven had not been passed; and all acts and proceedings of the officers, trustees and members of said corporation acting as such which would be legal and valid except for the passage of said chapter one hundred and eighty-seven are hereby ratified and confirmed.

Approved June 7, 1938.

AN ACT RELATIVE TO THE LISTING OF VOTERS IN THE TOWN OF WATERTOWN.

Chap. 391

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter one hundred and eight of the General Acts of nineteen hundred and nineteen is hereby amended by striking out the first sentence and inserting in place thereof the following: — There is hereby established in the town of Watertown a listing board, hereinafter called the board, composed of the chief of police and the registrars of voters of said town.

SECTION 2. Said chapter one hundred and eight is hereby further amended by striking out sections ten to fourteen, inclusive, as amended, and inserting in place thereof the following: — *Section 10.* The board shall, on or before the eighteenth day of April in each year, transmit to the assessors certified lists taken from the lists prepared as provided in the preceding section, containing the name, age, occupation, nationality if not a citizen of the United States, and residence on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said town, and shall promptly transmit to the assessors notice of every addition to and correction in the lists made by it. For the purpose of assessing poll taxes the assessors may use the lists prepared by the board, or such parts thereof as they may deem advisable. The

board shall furnish all information in its possession necessary to aid the assessors in the performance of their duties.

Section 11. The board shall, on or before the first day of June in each year, prepare printed copies of the lists prepared under the preceding section. The board shall print such lists in pamphlet form by precincts, deliver to the assessors as many copies thereof as they may require, and hold the remaining copies for public distribution.

Section 12. If a person, twenty years of age or upward, resident in said Watertown on the first day of January as of which said lists were made, was not listed by the board, he shall, in order to establish his right to be listed, appear before the board of registrars of voters at such time as it may designate, the members of which are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said town, giving his name, age, nationality if not a citizen of the United States, and occupation, and his residence on said first day of January and on the first day of January in the preceding year.

A person, twenty years of age or upward, who becomes a resident of said town after the first day of January as of which said lists were made and desires to be listed, shall appear before any member of the board of registrars of voters, each of whom is hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he became a resident of said town at least six months immediately preceding the election at which he claims the right to vote, giving his name, age, nationality, if not a citizen of the United States, and occupation, his residence on said first day of January, on the first day of January in the preceding year, and on such other dates as said board may require.

If the board of registrars of voters, after investigation, is satisfied that such statements are true, it shall give the applicant a certificate that he was a resident of said town on the first day of January as of which said lists were made or a certificate that he became a resident at least six months immediately preceding the election, as the case may be, which certificate shall state his name, age, nationality if not a citizen of the United States, and occupation, and his residence on said first day of January, on the first day of January in the preceding year, and, if he became a resident of said town as aforesaid, his residence on the other dates above required; but no such application shall be received, and no such person shall be listed or be given such certificate, later than the close of registration preceding the state or municipal election. The board shall also forthwith transmit to the assessors the names of all persons receiving such certificates, together with their residences on the several dates as appearing in their certificates.

In every place where oaths are administered for the purpose of listing, the board of registrars of voters shall post

in a conspicuous place a copy of section seven of chapter fifty-six of the General Laws, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Section 13. The board of registrars of voters shall enter the date of application, the name, age, occupation, nationality, if not a citizen of the United States, and residence on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every such applicant, as above provided, together with the result of its investigation of his application, in a book provided for that purpose, which shall be open for public inspection. The board shall cause to be printed in a newspaper published in Watertown the name and residence of every such applicant. The names and residences of the applicants shall be printed by precincts within two days after the number of names of applicants, not printed, reaches fifty, and shall include the names of all such applicants up to the close of business for this purpose in the office of the board on the day when said number is reached.

Section 14. The board of registrars of voters shall keep its office open during such hours as shall be necessary to carry out the provisions of the preceding two sections.

SECTION 3. This act shall take effect on the thirty-first day of December in the current year.

Approved June 7, 1938.

AN ACT CONSTITUTING THE ASSENT OF THE COMMONWEALTH TO THE PROVISIONS OF THE ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE-RESTORATION PROJECTS, AND FOR OTHER PURPOSES". *Chap. 392*

Be it enacted, etc., as follows:

The commonwealth of Massachusetts hereby assents to the provisions of the act of Congress entitled "An Act To provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes", approved September second, nineteen hundred and thirty-seven (Public, No. 415, 75th Congress), and the department of conservation is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of coöperative wildlife-restoration projects, as defined in said act of Congress, in compliance with said act and with rules and regulations promulgated by the federal secretary of agriculture thereunder; and no funds accruing to the commonwealth from license fees paid by hunters shall be diverted for any other purpose than the administration of the division of fisheries and game of said department.

Approved June 7, 1938.

Chap.393 AN ACT AUTHORIZING AND DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT A PUBLIC LAVATORY ON WINTHROP SHORE DRIVE IN THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

After an appropriation therefor has been made, the metropolitan district commission is hereby authorized and directed to construct a public lavatory at such suitable location on the Winthrop Shore Drive in the town of Winthrop as said commission may determine, and for said purpose said commission may expend a sum not exceeding twenty thousand dollars, which shall be included in the amounts to be assessed upon the metropolitan parks district for maintenance of reservations.

Approved June 7, 1938.

Chap.394 AN ACT RELATIVE TO THE LISTING OF VOTERS IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Somerville a listing board composed of the chief of police and the board of election commissioners. The chairman of the board of election commissioners for the time being shall be the chairman of said listing board, hereinafter called the board.

SECTION 2. The board shall, within the first twenty week days of January in each year, itself or by assistants of the board of election commissioners, or by police officers of said city, or both, visit every building in said city, and, after diligent inquiry, make true lists, on cards or otherwise, arranged by streets, wards and voting precincts, and containing, as nearly as the board can ascertain, the name, age, occupation, nationality if not a citizen of the United States, and residence, on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said city. The board shall designate in such lists all buildings used as residences by such persons, in their order on the street where they are situated, by giving the number or other definite description of every such building so that it can readily be identified, and shall place opposite the number or other description of every such building the name, age, nationality if not a citizen of the United States, and occupation of every such person residing therein on the first day of January in the current year, and his residence on the first day of January in the preceding year. If in any year the listing board shall believe it to be impracticable, because of any public exigency requiring unusual service from the police force of the city, to complete within the first twenty week days of January the said visitation and listing, it may take such further time therefor, not exceeding ten week days, as it shall deem necessary.

The board shall place in the lists made by it, opposite the name of every such person, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such person.

The board shall, upon the personal application of a person listed for the correction of any error in its lists, or whenever informed of any such error, make due investigation, and upon proof thereof correct the same on its lists. The board of election commissioners shall thereupon proceed to revise and correct the registers under section fifty-eight of chapter fifty-one of the General Laws. The listing board, in the case of a person liable to be assessed a poll tax, shall immediately after making any such correction notify the assessors thereof, who shall correct their copies of said lists.

SECTION 3. The board shall, on or before the twenty-fifth day of April, in each year, transmit to the assessors certified lists taken from the lists prepared as provided in the preceding section, containing the name, age, occupation, nationality if not a citizen of the United States, and residence on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, twenty years of age or upward, residing in said city, and shall promptly transmit to the assessors notice of every addition to and correction in the lists made by it. Instead of visiting every building in said city and making their own lists for assessment of poll taxes, the assessors may use the lists prepared by the board, or such parts thereof as they deem advisable. The board shall furnish all information in its possession necessary to aid the assessors in the performance of their duties.

SECTION 4. The board shall, on or before the first day of June in each year, prepare printed copies of the lists prepared under the preceding section. The board shall print such lists in pamphlet form by precincts, deliver to the assessors as many copies thereof as they may require, and hold the remaining copies for public distribution.

SECTION 5. If a person, twenty years of age or upward, resident in said city of Somerville on the first day of January, was not listed by the board, he shall, in order to establish his right to be listed, appear before the board of election commissioners at such time as it may designate, the members of which are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving his name, age, occupation, nationality if not a citizen of the United States, and residence on the first day of January in the current year and his residence on the first day of January in the preceding year.

A person, twenty years of age or upward, who becomes a resident of said city after the first day of January and desires to be listed, shall appear before any member of the board of election commissioners, each of whom is hereby authorized

to administer oaths for the purpose, and present a statement in writing under oath that the applicant became a resident of said city at least six months immediately prior to the election at which he claims the right to vote, giving his name, age, nationality if not a citizen of the United States, occupation and his present residence, the date when he became a resident of said city, and his residence on the first day of January in the current year and on such other dates as the board of election commissioners may require.

The board of election commissioners shall forthwith transmit a copy of such statement to the chief of police, who shall detail an officer to verify the statement of the applicant as to residence, and shall report to the election commissioners within five days the result of the investigation of the officer. If the statement of the applicant as to residence is found to be untrue, the election commissioners shall forthwith notify the applicant to appear before them. But no such application shall be received later than the twentieth day preceding a state or municipal election.

In every place where oaths are administered for the purpose of listing, the board of election commissioners shall post in a conspicuous place a copy of section seven of chapter fifty-six of the General Laws, printed on white paper with black ink, in type not less than one quarter of an inch wide.

SECTION 6. The board of election commissioners shall keep its office open during such hours as shall be necessary to carry out the preceding section.

SECTION 7. The board of election commissioners shall, after the first day of January in each year, prepare an annual register containing the names of all qualified voters in said city for the current year, beginning with the first day of January. The names shall be arranged by precincts and, opposite the name of each voter, shall be entered his residence on the preceding first day of January or on any subsequent day when he became a resident of said city. The board of election commissioners shall enter in the annual register every name contained in the lists, for the current year, of persons listed by the listing board, giving, as the residence of each person on the first day of January, the place at which he was listed by said board; provided, that in every case they are able to identify the name so listed as that of a person whose name was borne on the voting list of said city at the last preceding election. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any of the election commissioners, until such person has been duly notified and been given an opportunity to be heard by them, and shall have appeared and satisfied them of his right to have his name so entered. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register.

They shall, on or before the first Monday of August in each year, send notice in writing by mail to each voter of the preceding year whose name has not been entered in the annual register of the current year that his name has not been so entered.

SECTION 8. This act shall take effect on the thirty-first day of December in the current year.

Approved June 7, 1938.

AN ACT PROVIDING FOR THE CONSTRUCTION OF AN UNDERPASS IN HUNTINGTON AVENUE AT OR NEAR ITS INTERSECTION WITH MASSACHUSETTS AVENUE IN THE CITY OF BOSTON, AND FOR THE MAKING OF AN ALTERATION OF THE SUBWAY NOW BEING CONSTRUCTED IN SAID HUNTINGTON AVENUE.

Chap. 395

Be it enacted, etc., as follows:

SECTION 1. Subject to section five, the city of Boston, hereinafter called the city, acting through the transit department of the city, hereinafter called the department, is hereby authorized to construct an underpass for vehicular traffic in Huntington avenue at or near its intersection with Massachusetts avenue in the city, with such connecting roadways and alterations to existing roadways in the city as the department may deem necessary, and to make necessary alterations to street railway tracks and appurtenances thereof.

SECTION 2. For the purpose of carrying out this section and sections one and four, the department may use public lands and ways without compensation therefor, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, for and on behalf of the city, lands in fee, and easements, estates and rights in land; and such taking in fee or otherwise may be made whether the lands taken or otherwise affected are held under or by title derived through eminent domain or otherwise, and may be made for the purpose of providing locations for pipes, wires, conduits and other structures, the relocation of which is made necessary or expedient by the construction of the underpass authorized by this act. Any person sustaining damage by reason of property or rights in property taken under authority of this or the preceding section, except public lands and ways which may be taken and used without compensation as hereinbefore provided, shall be entitled to recover therefor from the city under said chapter seventy-nine. The members of the department shall not be liable personally for any such damage.

SECTION 3. To meet the cost to the city of the underpass, which shall include all expenses of the city incurred in carrying out section one, and all land damages, expenses of the department, such proportions of the salaries of the department as may, in its opinion, be properly chargeable thereto, and all interest on money borrowed for the pur-

poses of the underpass authorized by this act accruing prior to the use of the said underpass, the treasurer of the city, with the approval of the mayor of the city, may, from time to time, issue and sell at public or private sale bonds of the city to an amount sufficient to provide funds for the payment of said cost but not exceeding, in the aggregate, the sum of three hundred thousand dollars, which bonds shall bear on their face the words, City of Boston, Huntington Avenue Underpass Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten years from their dates. Indebtedness incurred hereunder shall be outside the statutory limit of indebtedness and shall, except as herein provided, be subject to the provisions, applicable to the city of Boston, of chapter forty-four of the General Laws, as amended, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 4. The department may order the temporary removal or relocation of any surface tracks, and the temporary or permanent removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, which it deems to interfere with the laying-out or construction of the underpass authorized by this act, and shall grant new locations for any such structures so removed or relocated. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, conduits, pipes, wires, poles or other property in such public ways or places, and the owner of any such structures in public ways or lands shall comply with such orders without expense to the city. If any owner shall fail to comply with the order of the department within a reasonable time, to be fixed in the order, the department may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the city by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. Any gas or electric lighting company shall shut off the gas or current from any pipes or wires affected by any acts done hereunder, so far and for such time as may be necessary to prevent the escape or explosion of gas or other public danger. Said underpass, when completed, shall be under the control of the public works department of the city.

SECTION 5. No construction work shall be done under section one of this act except in conjunction with an alteration of the subway now under construction under Part II of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended and as affected by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-seven, which alteration will extend said subway to a point in Huntington avenue not more than

twelve hundred feet westerly of Massachusetts avenue. The city, acting through the department, is hereby authorized to make said alteration as a federal works progress administration project and furnish and equip the same, provided the necessary consent of the Boston Elevated Railway Company to a new plan altering the plans already approved for the construction of said subway is obtained, and the other approvals of such new plan are given, as provided in section seven of said Part II, and such alteration shall be a change or alteration in the plan referred to in said section seven and in the contract between the city and the company, which contract is dated June twenty-eighth, nineteen hundred and thirty-seven. Except as in this section otherwise provided, such provisions of said Part II, as amended and as so affected, as are applicable to an approved project thereunder shall apply to said alteration in the same manner and to the same extent as though it were a part of the project as originally approved thereunder, and the premises and equipment, as these terms are respectively defined in said Part II, shall include the property acquired or constructed, and provided and furnished by the department under this section. The department may do any and all things under this section which, under such applicable provisions of said Part II, as so affected, it is authorized to do thereunder. All bonds issued before or after the effective date of this act by the city to meet the cost to it of the premises and equipment, as these terms are used in this section, upon the terms and conditions and in the manner in which the city was authorized to issue bonds under section eleven of chapter four hundred and eighty of the acts of nineteen hundred and twenty-three, shall be deemed to have been authorized by section five of said Part II, as affected by said chapter one hundred and fifty-nine and by this section, and all indebtedness incurred or to be incurred under said Part II, as so affected, shall be outside of the statutory limit of indebtedness of the city, and shall be excluded from the limitations set forth in chapter fifty-eight of the acts of nineteen hundred and thirty-eight, but shall be within the limitations set forth in Part I of said chapter three hundred and sixty-six, as amended, any provision of the General Laws or of any special law in effect after the effective date of said Part II inconsistent therewith notwithstanding.

No construction work under section one of this act or under this section shall be begun before approval by the proper federal authorities of federal works progress administration projects for the construction of the underpass authorized by said section one and for the making of the alteration by an extension, authorized under this section, of the subway now being constructed by the department, nor before the making or approval of allotments, allocations or grants of federal funds therefor under any resolution or act of congress authorizing the expenditure or use of federal

money for public projects; provided, that the amounts of such allotments, allocations or grants of federal funds are approved by the mayor of the city.

SECTION 6. The construction work on the underpass and subway herein provided for shall, as far as practicable, be performed underground in order to interfere as little as possible with the normal flow of traffic on Huntington avenue and adjacent thoroughfares.

SECTION 7. This act shall take full effect only upon its acceptance both by vote of the city council of the city of Boston, approved by the mayor, and by the Boston Elevated Railway Company by vote of its board of directors, and upon the filing of certificates of such acceptances with the state secretary; provided, that such acceptances, approval and filing occur during the current year.

Approved June 7, 1938.

Chap. 396 AN ACT PROVIDING FOR ONE DAY OFF IN EVERY SEVEN DAYS FOR MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 92, § 62, amended.

Days off for police.

Chapter ninety-two of the General Laws is hereby amended by striking out section sixty-two, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 62.* Members of the police force of the commission shall be excused from duty without loss of pay for a number of days in each year equal to one day in every seven days, such days off to be assigned by the commission or by the chief of said force acting under its direction.

Approved June 7, 1938.

Chap. 397 AN ACT RELATIVE TO THE ENDORSEMENT BY CONVENTIONS OF CANDIDATES FOR ELECTION TO STATE COMMITTEES OF POLITICAL PARTIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, new section 17A, added.

Members of state committees, endorsement for nomination.

Chapter fifty-three of the General Laws is hereby amended by inserting after section seventeen, as appearing in the Tercentenary Edition, the following new section under the heading: — ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE POLITICAL COMMITTEES BY CONVENTIONS. *Section 17A.* Upon the filing of a petition with the chairman of the state committee of a political party, signed by fifty enrolled members of such party within a senatorial district, such chairman shall call a convention of all the ward and town committees in said senatorial district for the purpose of endorsing candidates from among the enrolled members of the party for nomination for election to membership on the state committee from said senatorial district.

Said convention shall be held not later than ten days prior to the time provided for the filing of nomination papers for

said membership, and shall be held in the ward or town within the senatorial district which cast the highest vote at the preceding biennial state election for the political party candidate for governor.

Said convention shall elect from among its members a chairman and a secretary and shall make suitable rules for the conduct of its business. Each ward and town committee represented at such convention shall be entitled to one vote and one additional vote for every fifteen hundred votes or major fraction thereof above the first fifteen hundred votes cast at the preceding biennial state election in such ward or town for the political party candidate for governor.

Every certificate of nomination of a candidate endorsed for nomination by such a convention shall state that the nominee has been endorsed by such convention, and shall include such facts as are required by section eight. Such certificate shall be signed, sworn to and filed with the state secretary as required by section five.

Each candidate endorsed by such a convention shall within ten days from the day when the convention terminates file with the state secretary his written acceptance of the nomination, otherwise his name shall not be printed on the ballot as a candidate for member of the state committee for which he was nominated. Such candidate may not withdraw such acceptance.

The names of any candidates endorsed as herein provided shall be placed first on the primary ballot in alphabetical order according to their surnames, and the names of other candidates for election as members of the state committee from the senatorial district from which they are candidates shall follow in such order. Against the name of each such endorsed candidate shall be printed the words "Endorsed by Ward Committees", "Endorsed by Town Committees" or "Endorsed by Ward and Town Committees", as the case may be.

Approved June 7, 1938.

AN ACT PROVIDING FOR MODIFICATION OF THE TERMS Chap. 398

AND CONDITIONS UNDER WHICH THE BOSTON ELEVATED RAILWAY COMPANY HAS BEEN GRANTED THE USE OF CERTAIN SUBWAY PREMISES AND EQUIPMENT AND MAKING CERTAIN CHANGES RELATIVE TO PAYMENTS IN CONNECTION WITH SUCH USE.

Be it enacted, etc., as follows:

SECTION 1. Section seven of Part II of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as affected by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out, in the thirty-fourth and in the forty-fifth lines, the word "June" and inserting in place thereof, in each instance, the word: — March, — and by striking out, in the thirty-second line, the word "July"

and inserting in place thereof the word: — April, — so as to read as follows: — *Section 7.* No construction work shall be done under Part II of this act, however, unless and until a plan therefor shall be approved by the commission of the department of public utilities and the mayor of the city and unless and until a contract between the city and the company shall have been executed for the sole and exclusive use by the company of the premises and equipment for a term beginning with the use thereof and ending upon the termination of the lease or contract for use as at present extended of the Boylston street subway. Any plan so approved may be altered at any time by a new plan approved in like manner except that after the execution of said contract for use no such alteration shall be made without the consent thereto of the company in writing nor at any time except with the approval of said emergency finance board, the governor and such approvals as may be required under the provisions of the National Industrial Recovery Act or regulations made thereunder. The contract shall be in the same general form as that authorized by said chapter four hundred and eighty, except in so far as any other provision may be agreed upon by the department and the company as specially applicable to the demised premises. The net cost of the premises and equipment shall be determined in the manner provided in said chapter four hundred and eighty, except that there shall be deducted from the amount so determined all amounts received by the city as direct grants, or by remission of bonds or other obligations, or in any manner or form whatsoever amounting in substance directly or indirectly to a contribution to the cost of the premises and equipment under the National Industrial Recovery Act. The rental shall be payable annually on the twenty-fifth day of April in each year. Such contract for use shall provide that the company shall pay to the city for each full year ending with the last day of March, and ratably for any portion of the year, an annual rental which shall be sufficient to provide an amount equal to one half of one per cent of the net cost of the premises and equipment in addition to the annual amount of interest on bonds issued to pay for said net cost, but not less than four and one half per cent of said net cost in any event; provided, however, that said annual rental shall be payable by the company in any year only if and to the extent that the reserve fund provided for by section five of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen exceeds on the last day of March the amount originally established; provided, however, that such excess shall be determined and the obligation to pay the rental shall accrue only after deducting from said reserve fund the full amount of the rental payable under any contracts executed under the authority of chapter three hundred and forty-one of the acts of nineteen hundred and twenty-five as amended and after fully reimbursing the commonwealth as provided in sections eleven and thirteen of said chapter

one hundred and fifty-nine. If by virtue of the foregoing provisos the company is not required to make the full rental payment as above provided for the premises and equipment authorized by this act, the city shall place any amounts so unpaid in its next ensuing tax levy.

SECTION 2. The acceptance of this act by the Boston Elevated Railway Company and the city of Boston, as hereinafter provided, shall constitute an agreement on the part of the city and the company to execute a contract modifying, in accordance with the provisions of this act, the existing contract between the city and the company for the use by the company of the premises and equipment authorized to be acquired, constructed and provided pursuant to the provisions of Part II of said chapter three hundred and sixty-six.

SECTION 3. This act shall take effect upon its acceptance both by vote of the city council of the city of Boston, approved by the mayor, and by the Boston Elevated Railway Company by vote of its board of directors, and upon the filing of certificates of such acceptances with the state secretary; provided, that such acceptances, approval and filing occur during the current year. *Approved June 7, 1938.*

AN ACT RELIEVING THE CITY OF QUINCY AND THE TOWNS OF BRAINTREE AND WEYMOUTH FROM THE OBLIGATION OF PAYING THE COMPENSATION OF THE DRAW-TENDERS EMPLOYED AT THE NEW HIGH LEVEL BRIDGE OVER THE WEYMOUTH FORE RIVER. *Chap. 399*

Be it enacted, etc., as follows:

Section four of chapter three hundred and forty-eight of the acts of nineteen hundred and thirty-three is hereby amended by striking out all after the word "highway", in the sixth line, — so as to read as follows: — *Section 4.* When the work authorized herein shall have been completed, any new location of the Fore River Railroad Corporation established hereunder shall be conveyed to it by the commonwealth, and the permanent bridge referred to in section one, with its abutments and draw, shall become and be maintained as a state highway. *Approved June 7, 1938.*

AN ACT REGULATING APPEALS TO THE ALCOHOLIC BEVERAGES CONTROL COMMISSION BY PERSONS AGGRIEVED BY THE ACTION OF THE LOCAL LICENSING AUTHORITIES. *Chap. 400*

Be it enacted, etc., as follows:

Section sixty-seven of chapter one hundred and thirty-eight of the General Laws, as most recently amended by section forty-two of chapter four hundred and forty of the acts of nineteen hundred and thirty-five, is hereby further amended by inserting after the word "period" in the ninth line the following: —, upon petition in writing, setting

G. L. (Ter. Ed.), 138, § 67, etc., amended.

Appeals from
local licensing
authorities.

forth all the material facts in the case. The commission may, after hearing, due notice whereof shall have been given, sustain the action of the local licensing authorities or may sustain the appeal, in which latter case it shall set forth in writing in its decision its reasons therefor, — so as to read as follows: — *Section 67.* Any applicant for a license who is aggrieved by the action of the local licensing authorities in refusing to grant the same or by their failure to act within the period of thirty days limited by section sixteen B, or any person who is aggrieved by the action of such authorities in suspending, cancelling, revoking or declaring forfeited the same, may appeal therefrom to the commission within five days following notice of such action or following the expiration of said period, upon petition in writing, setting forth all the material facts in the case. The commission may, after hearing, due notice whereof shall have been given, sustain the action of the local licensing authorities or may sustain the appeal, in which latter case it shall set forth in writing in its decision its reasons therefor, and the decision of the commission shall be final; but, pending a decision on the appeal, the action of the local licensing authorities shall have the same force and effect as if the appeal had not been taken. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a license has been granted by such authorities or who are registered voters in the voting precinct or district wherein the licensed premises are situated, or upon its own initiative, the commission may investigate the granting of such a license or the conduct of the business being done thereunder and may, after a hearing, modify, suspend, revoke or cancel such license if, in its opinion, circumstances warrant.

If the local licensing authorities fail to issue a license or to perform any other act when lawfully ordered so to do by the commission upon appeal or otherwise, within such time as it may prescribe, the commission may itself issue such license or perform such act, with the same force and effect as if issued or performed by the local licensing authorities.

Approved June 7, 1938.

Chap. 401 AN ACT RELATIVE TO EXEMPTION OF DISABILITY INSURANCE FROM ATTACHMENT AND EXECUTION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, new section 110A, added.

Exemption from attachment of certain insurance benefits.

Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section one hundred and ten, as appearing in the Tercentenary Edition, the following new section: — *Section 110A.* So much of any benefit under a policy of insurance insuring against disability from injury or disease as does not exceed thirty-five dollars for each week during any period of disability covered thereby shall not be liable to attachment, trustee process or other process, or to be seized, taken, appropriated

or applied by any legal or equitable process or by operation of law, either before or after payment of such benefit, to pay any debt or liabilities of the person insured under such policy, but this exemption shall not apply where an action or suit is brought to recover for necessities contracted for during said period and the writ or bill of complaint contains a statement to that effect. *Approved June 7, 1938.*

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN LABORERS
IN THE EMPLOY OF THE CITY OF QUINCY AND VALIDATING
CERTAIN ACTION IN RELATION THERETO. *Chap. 402*

Be it enacted, etc., as follows:

The action of certain laborers in the service of the city of Quincy, whose employment as such laborers commenced prior to July first, nineteen hundred and thirty-seven, in withdrawing from membership in the retirement system of said city established by chapter one hundred and fifty-two of the acts of nineteen hundred and thirty-four, and the action of the retirement board of said city in paying to said laborers all contributions made to said system by them, are hereby confirmed and made valid in so far as such action was not authorized by law, and all actual or inchoate rights to the benefits of section seventy-seven of chapter thirty-two of the General Laws which may have been lost or waived by any such laborer, by reason of becoming a member of said retirement system, are hereby restored to him.

Approved June 7, 1938.

AN ACT REQUIRING EMPLOYERS TO FURNISH CERTAIN INFORMATION TO EMPLOYEES RELATIVE TO DEDUCTIONS FROM
WAGES FOR CERTAIN PURPOSES. *Chap. 403*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section one hundred and fifty, as amended, the following new section:— *Section 150A*. Every person making deductions from the wages of any employee for social security and unemployment compensation benefits, when requested by the employee or his representative, shall notify in writing such employee of the amounts and nature of such deductions at the time of payment of the wages from which such deductions are made. G. L. (Ter. Ed.), 149, new section 150A, added. Employees to be informed of deductions from wages.

Approved June 9, 1938.

Chap. 404 AN ACT ESTABLISHING STANDARD SIZES IN CONNECTION WITH
THE SALE AND DISTRIBUTION OF EGGS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 94,
new section
90B, added.
"Standard
sizes" for
eggs offered
for sale.

Chapter ninety-four of the General Laws is hereby amended by inserting after section ninety A, inserted by chapter three hundred and sixty-nine of the acts of nineteen hundred and thirty-five, the following new section:— *Section 90B.* No person shall sell, or offer or expose for sale, eggs unless the carton or other container thereof contains or bears a proper designation or description relating to the size of such eggs, as hereinafter provided, and no person shall advertise eggs for sale at stated prices unless such advertisement contains a proper designation or description relating to the size of such eggs, as hereinafter provided.

Eggs shall be divided into four sizes, to be known as "large", "medium", "pullet" and "peewee". The proper designation of size shall be plainly and conspicuously shown in the sale, or offering or exposing for sale, of eggs and in the advertisement for the sale thereof if the price is stated in the advertisement.

"Large" eggs shall be eggs having an average weight of not less than twenty-four ounces per dozen with no egg or eggs below the rate of twenty-three ounces per dozen. A tolerance of not more than four per cent by volume shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of twenty-two ounces per dozen.

"Medium" eggs shall be eggs having an average weight of not less than twenty-one ounces per dozen with no egg or eggs below the rate of twenty ounces per dozen. A tolerance of not more than four per cent by volume shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of nineteen ounces per dozen.

"Pullet" eggs shall be eggs having an average weight of not less than eighteen ounces per dozen with no egg or eggs below the rate of seventeen ounces per dozen. A tolerance of not more than four per cent by volume shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of sixteen ounces per dozen.

"Peewee" eggs shall be eggs which do not meet the requirements of "large", "medium" or "pullet" eggs.

The provisions of this section shall not apply to the sale, or offering or exposing for sale, of eggs at wholesale unless they are packed in cartons or other containers for resale at retail; nor shall they apply to the sale, or offering or exposing for sale, of eggs unsorted as to size, if the cartons or other containers thereof are plainly and conspicuously marked and identified as "not sized", and if any advertisement advertising such eggs for sale at stated prices clearly indicates that such eggs are "not sized".

The commissioner of agriculture is hereby authorized, after a hearing, due notice whereof shall have been given, to establish rules and regulations for the enforcement of this section, and the department of agriculture shall enforce said provisions.

Whoever violates any provision of this section, or any rule or regulation made thereunder, shall be punished for the first offence by a fine of not more than twenty-five dollars, and for a subsequent offence by a fine of not more than fifty dollars. Whoever obstructs or hinders said commissioner or any of his assistants in the performance of his duties under this section shall be punished by a fine of not more than fifty dollars.

Approved June 9, 1938.

AN ACT RELATIVE TO THE TIME FOR FILING NOMINATION PAPERS BY CANDIDATES FOR ELECTION AS TOWN MEETING MEMBERS IN THE TOWN OF BROOKLINE AND TO THE TIME FOR FILING CERTAIN WRITTEN NOTICES BY CANDIDATES FOR RE-ELECTION AS SUCH MEMBERS.

Chap. 405

Be it enacted, etc., as follows:

Section four of chapter thirty-six of the acts of nineteen hundred and twenty-one, as amended by chapter three hundred and twenty-one of the acts of nineteen hundred and thirty-one, is hereby further amended by striking out, in the sixth line, the word "ten" and inserting in place thereof the word:—twenty-six,—and by striking out, in the eleventh line, the word "twenty" and inserting in place thereof the word:—thirty-three,—so as to read as follows:—*Section 4.* Nominations of candidates for town meeting members to be elected under section two of this act shall be made by nomination papers signed in no case by less than thirty registered voters of the precinct in which the candidate or candidates reside and filed with the town clerk at least twenty-six days before election. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto; provided, however, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least thirty-three days before such election. If a town meeting member is a candidate for re-election, the words "Candidate for Re-Election" shall be printed against his name as it appears on the ballot for the election of town officers.

Approved June 9, 1938.

AN ACT PROVIDING FOR THE IMPROVEMENT OF SCITUATE HARBOR IN THE TOWN OF SCITUATE.

Chap. 406

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions herein imposed, the department of public works is hereby authorized and directed to dredge certain areas in Scituate harbor to a

depth of six feet at mean low water. No work shall be begun until the town of Scituate has assumed liability, in the manner provided by section twenty-nine of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition, for all damages that may be incurred hereunder, nor until the said town has paid into the treasury of the commonwealth the sum of twenty-four thousand two hundred dollars, which, together with such sum, not exceeding seventy-two thousand six hundred dollars, as may hereafter be appropriated by the commonwealth, shall constitute a fund for the improvements herein authorized; provided, that the total cost of such improvement shall not exceed ninety-six thousand eight hundred dollars, and provided, further, that if any of the last mentioned sum remains after the completion of such improvements one fourth of such remainder shall be repaid to said town.

SECTION 2. For the purpose of meeting the payments required to be made by the town of Scituate under this act, the said town may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, twenty-four thousand two hundred dollars, and may issue notes therefor, which shall bear on their face the words, Town of Scituate, Harbor Improvements Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid within five years from their dates. Indebtedness incurred by said town under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 3. This act shall take full effect upon its acceptance during the current year by vote of the town of Scituate in town meeting and upon the filing during the current year in the office of the said department of a certified copy of said vote.

Approved June 9, 1938.

Chap. 407 AN ACT ESTABLISHING A DIVISION OF WATERWAYS IN THE DEPARTMENT OF PUBLIC WORKS AND PROVIDING A METHOD FOR THE DEVELOPMENT OF WATERFRONT FACILITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 16, new section 5A, added.

Division of waterways.

SECTION 1. Chapter sixteen of the General Laws is hereby amended by inserting after section five, as appearing in the Tercentenary Edition, the following new section: — *Section 5A.* The commissioner shall organize in the department a division of waterways. The commissioner shall, with the approval of the governor, appoint a director to have charge of the work of the division and may, with like approval, remove him. The director shall receive such salary, not exceeding six thousand dollars, as the commissioner may determine, subject to the approval of the governor, and shall devote his entire time to the work of the division.

SECTION 2. Chapter ninety-one of the General Laws is hereby amended by inserting after section nine, as appearing in the Tercentenary Edition, the following new section: —

Section 9A. The department may adopt a program of construction or reconstruction of piers and other waterfront terminal facilities at any port of the commonwealth after holding hearings, public or private, due notice whereof shall have been given, at which hearings all persons interested may be heard and, if such program relates to the port of Boston, after consulting with and securing the advice and judgment, by report or otherwise, of the Boston Port Authority. After the adoption of any such program, the department is hereby empowered to lay out and construct or reconstruct any particular facilities aforesaid included in such program, to acquire as hereinafter provided any facilities proposed to be reconstructed which are not then owned by the commonwealth, and to execute a contract for the use of any facilities to be constructed or reconstructed hereunder; provided, that no action obligating the commonwealth to any expenditure under this section shall be taken until the department, in the name and on behalf of the commonwealth, shall have executed a written contract, approved by the governor and council, with some responsible party, for the use of the particular facilities proposed to be constructed or reconstructed hereunder, for a term not exceeding forty years and containing provisions for the payment of rental as hereinafter provided, nor unless sufficient funds shall have been made available for such project under a loan authorized by the general court. Prior to executing such a contract for the use of facilities proposed to be constructed or reconstructed at the port of Boston, the department shall consult with and secure the advice and judgment, by report or otherwise, of the Boston Port Authority relative to the advisability and feasibility of entering into such contract, with special reference to the effect such action may have on the commerce or progress of the port. Every such contract shall provide that the lessee of the facilities shall pay a rental determined by the department to be sufficient to pay all interest charges as they accrue on account of moneys borrowed by the commonwealth and used in the construction or reconstruction of such facilities and for the acquisition of property in connection therewith, and to pay the principal amounts of the money so borrowed and used as they become due and, in addition, to defray so much of the expenses of the department as may in its opinion be properly allocable to the construction or reconstruction of such facilities and the acquisition of property in connection therewith.

G. L. (Ter. Ed.), 91, new section 9A, added.
Development of waterfront facilities.

Subject to this section, the department, in the name and on behalf of the commonwealth, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase, lease or otherwise, such property and such rights and easements therein as the department may

from time to time consider necessary for the construction or reconstruction of any particular facilities included in a program adopted under this section; and the foregoing shall authorize the commonwealth to acquire in the manner hereinbefore provided any particular pier or other waterfront terminal facility included in any such program, for the purpose of reconstructing the same.

Approved June 9, 1938.

Chap. 408 AN ACT RELATIVE TO THE ELIGIBILITY OF APPLICANTS FOR OLD AGE ASSISTANCE IN CASE OF OWNERSHIP OF CERTAIN POLICIES OF INSURANCE OR BENEFIT CERTIFICATES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 118A, § 5, etc., amended.

Ownership of certain policies of insurance not to disqualify persons from receiving old age assistance.

Chapter one hundred and eighteen A of the General Laws is hereby amended by striking out section five, as appearing in section one of chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 5.* The ownership of a policy of insurance of the type known as group insurance, for which the weekly premium does not exceed fifty cents per week, or of a policy of insurance in an amount not exceeding one thousand dollars, shall not disqualify an applicant from receiving assistance under this chapter, if such policy has been in effect not less than five years prior to the date of his application, nor shall a policy of insurance on an amount not exceeding three thousand dollars and having in any case a cash surrender value not in excess of three hundred dollars disqualify an applicant from receiving such assistance if such policy has been in effect not less than fifteen years prior to the date of his application. The words "policy of insurance", as used in this section, shall include a benefit certificate.

Approved June 9, 1938.

Chap. 409 AN ACT PROVIDING FOR THE CONSTRUCTION OF A SEA WALL ALONG THE SHORE OF GREAT HILL, SO CALLED, IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

Subject to the conditions herein imposed, the department of public works is hereby authorized and directed to construct a sea wall along the shore of Great Hill, so called, in the city of Quincy from a point at or about one hundred feet northerly of the property of the Quincy Yacht Club to a point at or near the property on which the pumping station of the south metropolitan sewerage system is located. The total cost of said work shall not exceed ninety-one thousand dollars. For said purposes there shall be allowed and paid out of the state treasury, subject to appropriation, the sum of sixteen thousand dollars; provided, that no part of this amount shall be expended until not less than fifty-nine thousand dollars shall have been allotted for the improve-

ment aforesaid under the provisions of any appropriate federal statute and the city of Quincy shall have paid into the state treasury the sum of sixteen thousand dollars for said improvement.

Approved June 9, 1938.

AN ACT DEFINING AND PROHIBITING UNFAIR SALES PRACTICES, WITH A VIEW TO PREVENTING THE ADVERTISING OR OFFERING FOR SALE OR THE SELLING, BELOW COST, OF MERCHANDISE FOR THE PURPOSE OF INJURING COMPETITORS OR DESTROYING COMPETITION.

Chap. 410

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-three of the General Laws is hereby amended by inserting after section fourteen D, as inserted by chapter three hundred and ninety-eight of the acts of nineteen hundred and thirty-seven, under the heading UNFAIR SALES, the seven following new sections: — *Section 14E*. When used in sections fourteen E to fourteen K, inclusive: —

G. L. (Ter. Ed.), 93, new sections 14E to 14K, inclusive, added.

(a) The term “cost to the retailer” shall mean the invoice cost of the merchandise to the retailer, or the replacement cost of the merchandise to the retailer within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added (1) freight charges not otherwise included in the cost of the merchandise, (2) cartage to the retail outlet if performed or paid for by the retailer, which cartage cost shall be deemed to be three fourths of one per cent of the cost of the merchandise to the retailer, unless said retailer claims and proves a lower cartage cost, and (3) a mark-up to cover in part the cost of doing business, which mark-up, in the absence of proof of a lesser cost, shall be six per cent of the total cost at the retail outlet;

Term “cost to the retailer” defined.

(b) The term “cost to the wholesaler” shall mean the invoice cost of the merchandise to the wholesaler, or the replacement cost of the merchandise to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added (1) freight charges not otherwise included in the cost of the merchandise, and (2) cartage to the retail outlet if performed or paid for by the wholesaler, which cartage cost shall be deemed to be three fourths of one per cent of the cost of the merchandise to the wholesaler, unless said wholesaler claims and proves a lower cartage cost, and (3) a mark-up to cover in part the cost of doing business, which mark-up, in the absence of proof of a lesser cost, shall be two per cent of the total cost at the wholesale establishment;

Term “cost to the wholesaler” defined.

(c) Where two or more items are advertised, offered for sale or sold at a combined price, the price of each such item shall be determined in the manner set forth in paragraphs (a) and (b);

(d) The terms "cost to the retailer" and "cost to the wholesaler" as defined in said paragraphs (a) and (b) shall mean bona fide costs; and sales to consumers, retailers and wholesalers at prices which cannot be justified by existing market conditions within this commonwealth shall not be used as a basis for computing replacement costs with respect to sales by retailers and wholesalers;

Terms "sell at retail", etc., defined.

(e) The terms "sell at retail", "sales at retail" and "retail sale" shall mean and include any transfer of title to tangible personal property for a valuable consideration made, in the ordinary course of trade or in the usual prosecution of the seller's business, to the purchaser for consumption or use other than resale or further processing or manufacturing. The terms "sell at wholesale", "sales at wholesale" and "wholesale sale" shall mean and include any such transfer of title to tangible personal property for the purpose of resale or further processing or manufacturing. In this and in the preceding paragraph the above terms shall include any such transfer of property where title is retained by the seller as security for the payment of the purchase price;

Term "retailer" defined.

(f) The term "retailer" shall mean and include every person, co-partnership, corporation or association engaged in the business of making sales at retail within this commonwealth; provided, that, in the case of a retailer engaged in the business of making sales both at retail and at wholesale, such term shall be applied only to the retail portion of such business; and

Term "wholesaler" defined.

(g) The term "wholesaler" shall mean and include every person, co-partnership, corporation or association engaged in the business of making sales at wholesale within this commonwealth; provided, that, in the case of a wholesaler engaged in the business of making sales both at wholesale and at retail, such term shall be applied only to the wholesale portion of such business.

Penalty.

Section 14F. Any retailer who, with intent to injure competitors or destroy competition, advertises, offers to sell or sells at retail any item of merchandise at less than cost to the retailer, or any wholesaler who, with intent as aforesaid, advertises, offers to sell or sells at wholesale any item of merchandise at less than cost to the wholesaler, shall, if the offender is an individual, be punished by a fine of not more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both; or, if the offender is a corporation, by a fine as aforesaid. Evidence of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him shall be prima facie evidence of intent to injure competitors or destroy competition.

Certain sales not included.

Section 14G. Sections fourteen E and fourteen F and sections fourteen H to fourteen K, inclusive, shall not apply with respect to advertising or offering to sell, or selling, at retail or at wholesale, as the case may be, if done (a) in an

isolated transaction and not in the usual course of business; (b) where merchandise is sold in bona fide clearance sales, if advertised or offered for sale as such or marked and sold as such, or where merchandise is marked down in an effort to sell the same after bona fide efforts to sell the same prior to such markdown; (c) where perishable merchandise must be sold promptly in order to forestall loss; (d) where merchandise is imperfect or damaged or its sale is being discontinued, if advertised or offered for sale as such or marked and sold as such; (e) where merchandise is advertised or offered for sale or sold upon the final liquidation of any business; (f) where merchandise is advertised or offered for sale or sold for charitable purposes or to relief agencies; (g) where merchandise is sold on contract to any department, board or commission of the commonwealth or of any political subdivision thereof, or to any institution maintained thereby; (h) where the price of merchandise is made in good faith to meet competition; or (i) where merchandise is advertised or offered for sale or sold by any fiduciary or other officer acting under the order or direction of any court.

Section 14H. Upon complaint of any person, the superior court shall have jurisdiction to restrain and enjoin any act forbidden or declared illegal by any provision of sections fourteen E to fourteen K, inclusive; and it shall be the duty of the several district attorneys, in their respective districts, to enforce, and restrain the violation of, said sections.

Superior court jurisdiction.

Section 14I. Whenever the application of any provision of any other law of this commonwealth conflicts with the application of any provision of sections fourteen E to fourteen K, inclusive, said sections shall prevail.

Application of act in case of conflict.

Section 14J. If any provision of said sections fourteen E to fourteen K, inclusive, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Invalidity.

Section 14K. Sections fourteen E to fourteen K, inclusive, shall be known, and may be cited, as the "Unfair Sales Act".

How cited.

SECTION 2. Section eight of said chapter ninety-three, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence:— This section and the four following sections shall not apply with respect to any sale of merchandise in any particular locality at a lower rate than elsewhere where the price is made in good faith in accordance with section fourteen G.

G. L. (Ter. Ed.), 93, § 8, amended.
Certain sales not affected.

Approved June 14, 1938.

Chap. 411 AN ACT PROHIBITING AND PENALIZING THE USE OF MIS-
LEADING SIGNS RELATING TO THE PRICE OF GASOLINE
AND OTHER MOTOR FUEL.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 94,
new sections
295B and
295C, added.

Chapter ninety-four of the General Laws is hereby amended by inserting after section two hundred and ninety-five A, inserted by chapter two hundred and twenty-eight of the acts of nineteen hundred and thirty-three, the following two new sections: — *Section 295B*. The term “retail dealer”, when used in this section and section two hundred and ninety-five C, shall mean any person operating a service station, filling station, store, garage, establishment or other place of business for the sale of or dispensing of motor fuel for delivery into the service tank or tanks of any motor vehicle which is propelled by an internal combustion motor, other than such a motor vehicle belonging to the person owning or operating said place of business.

Term “retail
dealer”,
defined.

Term “motor
fuel”, defined.

The term “motor fuel”, when used in this section and section two hundred and ninety-five C, shall mean a light distillate of petroleum or allied substance heretofore sold under the name of gasoline, with suitable volatility and other characteristics to be used as a fuel for operating internal combustion engines, whether or not it is mixed with other materials.

Price of
motor fuel
for sale to be
marked on
pump, etc.

Section 295C. Every retail dealer of motor fuel shall conspicuously mark his pumps or other dispensing equipment with the price of the motor fuel dispensed from that pump or dispensing equipment. No person shall mark his pumps or dispensing equipment with price signs of a size larger than eight inches by ten inches, and no other price signs of motor fuel so dispensed or signs relating to the price of such fuel shall be used or displayed on or about the premises where motor fuel is sold at retail other than the signs provided herein to be posted upon the pumps or dispensing equipment. All figures, including fractions, upon said signs, other than figures and fractions used in any price computing mechanism constituting a part of any such pump or dispensing equipment herein referred to, shall be of the same size.

Penalty.

Whoever, himself or by his agents or servants, violates any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Approved June 14, 1938.

AN ACT TO REVIVE MYLES STANDISH MUTUAL LIABILITY INSURANCE COMPANY. *Chap. 412*

Whereas, The deferred operation of this act would cause great inconvenience and expense, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Myles Standish Mutual Liability Insurance Company, a corporation whose charter expired November twelfth, nineteen hundred and thirty-seven, by virtue of section forty-four of chapter one hundred and seventy-five of the General Laws, is hereby revived with the same powers, duties and obligations as if the period mentioned in said section had not expired; provided, that its corporate powers shall cease unless it commences to issue policies within one year after the effective date of this act.

(This bill, returned by the governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, June 8, 1938, and, in concurrence, by the House of Representatives, June 14, 1938, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

AN ACT RELATIVE TO THE ESTABLISHMENT OF A MINIMUM WAGE FOR LABORERS EMPLOYED BY THE DEPARTMENT OF PUBLIC WORKS AND BY THE METROPOLITAN DISTRICT COMMISSION. *Chap. 413*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Section twenty-six of chapter one hundred and forty-nine of the General Laws, as most recently amended by chapter three hundred and forty-six of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out the paragraph inserted by said chapter three hundred and forty-six and inserting in place thereof the following paragraph: — G. L. (Ter. Ed.), 149, § 26, etc., amended.

The minimum wages for permanent and temporary laborers employed by the state department of public works and by the metropolitan district commission shall be at the rate of five dollars per eight hour day. Minimum wage for certain laborers.

Approved June 16, 1938.

Chap. 414 AN ACT AUTHORIZING THE TOWN OF ORLEANS TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of acquiring land for and constructing a school building and of originally equipping and furnishing the same, the town of Orleans may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Orleans School Building Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1938.

Chap. 415 AN ACT FURTHER REGULATING LIENS FOR, AND THE COLLECTION OF, WATER RATES AND CHARGES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 40,
§ 42A, etc.,
amended.

Water rates,
when to be
lien on real
estate.

SECTION 1. Chapter forty of the General Laws is hereby amended by striking out section forty-two A, as most recently amended by section one of chapter forty-two of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 42A.* If the rates and charges due to a city, town or water district, which accepts this and the five following sections by vote of its city council or of the voters in town or district meeting and, by its clerk, files a certificate of such acceptance in the proper registry of deeds, for supplying or providing for water or rendering service or furnishing materials in connection therewith to or for any real estate at the request of the owner or tenant are not paid within sixty days after their due date as established by local regulations, ordinances or by-laws, which due dates shall be so established as to require payments at least as often as semi-annually, such rates and charges, together with interest thereon and costs relative thereto, as established as aforesaid, shall be a lien upon such real estate in the manner hereinafter provided; but such lien shall attach only for water supplied and provided for, service rendered and materials furnished within a period of one year and six months next prior to the

filing of the statement in the registry of deeds as provided in section forty-two B. The register of deeds shall record such certificate of acceptance in a book to be kept for the purpose, which shall be kept in an accessible location in the registry. Notwithstanding the authority to establish such a lien such overdue rates and charges may be collected through any legal means, including the shutting off of water, which may be deemed advisable; provided, that after the termination of such a lien no city, town or water district shall attempt to enforce, by shutting off the water, collection of any water rates or charges included in such lien from any person, not liable therefor, who has succeeded to the title or interest of the person who incurred them. The five following sections shall also apply to a water district which has accepted sections forty-two A to forty-two F, inclusive, and whose clerk has so filed the certificate of acceptance. Wherever in said sections the words "board or officer in charge of the water department" or their equivalent appear, they shall also mean and include the officers exercising similar duties in any city, town or district. A fire district authorized to supply water shall, for the purposes of sections forty-two A to forty-two F, inclusive, be deemed to be a water district.

SECTION 2. Said chapter forty is hereby further amended by striking out section forty-two B, as most recently amended by section two of said chapter forty-two, and inserting in place thereof the following: — *Section 42B.* Such lien shall take effect upon the filing for record in the registry of deeds for the county or district where the real estate lies of a statement by the board or officer in charge of the water department that the rates and charges for the supplying of or providing for water or the rendering of service or the furnishing of materials in connection therewith to or for the real estate therein described, including interest and costs, to an amount therein specified, have remained unpaid for sixty days after their due date, and said lien, unless dissolved, or disclaimed and released, as hereinafter provided, shall continue until the account referred to in said statement has been added to or recommitted as an annual tax as provided in section forty-two D, and thereafter, unless so dissolved, or disclaimed and released, shall continue as provided in section thirty-seven of chapter sixty, except that the date provided for termination of the lien in case of a recorded alienation shall be at the expiration of two years from October first of the year of such addition or recommitment. Such statement shall contain the name of the owner of record of such real estate on January first of the year in which the statement is filed and a description of such real estate sufficiently accurate for identification. The register of deeds shall receive and record or, in case of registered land, file and register, said statement. Such lien may be dissolved by filing for record or registration in such registry of deeds a certificate from the collector of taxes of the city or town in which such real estate is situated that all rates and charges

G. L. (Ter. Ed.), 40, § 42B, etc., amended.

Lien, when to take effect.

Dissolution.

for which such lien attached, together with interest and costs thereon, have been paid or legally abated. In case such a lien is deemed invalid by the collector, he may, at any time prior to a sale or taking under chapter sixty for a tax or part of a tax which includes or consists of such rates and charges, or prior to the addition of such tax or part of a tax to the tax title account, disclaim and release such lien by an instrument under his hand and seal and shall duly record, or file and register, the same in the proper registry of deeds, and at once notify the board or officer in charge of the water department of his action. Water rates and charges the lien for which is so disclaimed and released and such rates and charges excluded by court decree under section seventy-six B of said chapter sixty shall, to the extent that they were properly chargeable to the person owning or to the tenant occupying the premises for which such rates and charges were incurred, be collectible against such person or tenant, as the case may be, and may be recovered in an action of contract at the instance of the board or officer in charge of the water department. If at the time of the filing of such disclaimer and release or of the entry of such decree such person or tenant is still the owner or tenant of the premises, whether through redemption or otherwise, such rates and charges, to the extent that they were properly chargeable to him, may be enforced in any other manner provided or available for collection and enforcement of water rates and charges.

G. L. (Ter. Ed.), 40, § 42C, etc., amended.

Unpaid accounts, commitment to collectors.

SECTION 3. Said chapter forty is hereby further amended by striking out section forty-two C, as amended by section one of chapter two hundred and forty-eight of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — *Section 42C.* Within a reasonable time after filing such a statement for record or registration, the board or officer in charge of the water department shall certify the unpaid account to the assessors, who shall forthwith commit such account with their warrant to the collector of taxes of the city or town, and such collector shall forthwith send notice in accordance with section three of chapter sixty to the person designated in such warrant as the owner of record, and any demand for the payment of such account shall be made upon such person. The collector shall have the same powers and be subject to the same duties with respect to such unpaid accounts as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof and the redemption of land so sold or taken shall, except as otherwise provided, apply to unpaid accounts charged upon real estate under sections forty-two A to forty-two F, inclusive.

G. L. (Ter. Ed.), 40, § 42D, etc., amended.

Unpaid ac-

SECTION 4. Said chapter forty is hereby further amended by striking out section forty-two D, as amended by section two of said chapter two hundred and forty-eight, and inserting in place thereof the following: — *Section 42D.* Unpaid

accounts under sections forty-two A to forty-two F, inclusive, shall bear interest at the rate of six per cent per annum from the time demand is made under the preceding section, or from such earlier time after their due date as the city or town may by ordinance or by-law provide, until added to the annual tax, as hereinafter provided. In case any such account certified under the preceding section to the assessors and by them committed to the collector remains unpaid he shall so certify to the assessors, who shall add such account to the next annual tax and recommit it to the collector, or, if the annual tax has been paid or the property to which the account relates is tax exempt, shall recommit such account to the collector as the annual tax, and the lien provided for by section forty-two A shall continue as provided in section forty-two B, and the total sum of such account and the annual tax, if any, shall be subject to the provisions of section fifty-seven of chapter fifty-nine relative to interest and to sections thirty-seven to eighty-six, inclusive, of chapter sixty; provided, that if a disclaimer and release under section forty-two B is filed before a sale or taking for a tax or part of a tax which includes such account, or before the addition of such a tax or part of a tax to the tax title account under said chapter sixty, the amount of the water account and interest thereon shall be subtracted from such tax or part of a tax before such sale, taking or addition takes place.

counts to bear interest, etc.

SECTION 5. Section sixty-two of chapter sixty of the General Laws, as most recently amended by section two of chapter three hundred and ninety-two of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting after the second paragraph the following paragraph: —

G. L. (Ter. Ed.), 60, § 62, etc., amended.

If the treasurer is of opinion that there has been error or irregularity which was substantial or misleading in the amount of any items of water rates or charges, or interest thereon or costs relative thereto, included in a tax title account, or in connection with the proceedings with respect to any of them, he may accept in redemption the amount of the tax title account, less the amount of such items, including interest thereon after their addition to any tax under section forty-two D of chapter forty. If in such case the tax title was held by the city or town, said treasurer shall make an entry in his books of the amount so deducted and of the reason for the deduction, which shall relieve him of further responsibility therefor. If the tax title was held by a person other than the city or town, the treasurer shall pay to such person the amount of the account without deduction and shall make a similar entry, which shall entitle him to credit for the excess so paid.

Redemption in case of error in amount of charges, etc.

SECTION 6. Said chapter sixty is hereby further amended by inserting after section seventy-six A, inserted by section two of chapter three hundred and fifty-four of the acts of nineteen hundred and thirty-five, the following new section: — *Section 76B.* Errors or irregularities in respect to water rates and charges included in a tax title account, including

G. L. (Ter. Ed.), 60, new section 76B, added.

Errors not to invalidate tax title.

interest and costs, or in the proceedings relating thereto, shall not render invalid a tax title otherwise valid; but in proceedings under sections sixty-four to seventy-six A, inclusive, such errors or irregularities shall be taken into consideration in fixing the terms of redemption, whether upon petition for foreclosure or for redemption, and the court shall specifically indicate in any decree fixing the terms of redemption any amounts excluded from the account by reason of such errors or irregularities. The city or town in which the land lies shall pay to a person holding such a tax title the amounts so indicated, with interest at the rate of six per cent per annum from the date of redemption and, if the city or town fails to make such payment within three months after written demand therefor made upon the city or town treasurer, such person may recover the same in an action of contract brought against the city or town within one year after the date of redemption. The city or town treasurer shall notify the board or officer in charge of the water department of the amount so excluded by the court decree.

Application of
certain sec-
tions of law.

SECTION 7. Sections forty-two A to forty-two F, inclusive, of chapter forty of the General Laws, as amended or affected by this act, shall continue to apply without further acceptance to all cities, towns, water districts and fire districts supplying water to which said sections applied immediately prior to the time of taking effect of this act. Said sections, as amended or affected by this act, shall also apply to all cities, towns, water districts and fire districts authorized to supply water which after said time accept said sections and file a certificate of such acceptance in the proper registry of deeds, as provided in said section forty-two A, as hereby amended, or which, having accepted said sections prior to said time, thereafter file such certificate as so provided.

Approved June 16, 1938.

Chap. 416

AN ACT REVIVING IRIS LOBSTER SHOPPE, INC.

Emergency
preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Iris Lobster Shoppe, Inc., a corporation dissolved by section one of chapter two hundred and ninety-nine of the acts of nineteen hundred and thirty-one, is hereby revived with the same powers, duties and obligations as if said chapter had not been passed.

Approved June 16, 1938.

AN ACT REVISING THE LAWS RELATIVE TO AVIATION. *Chap. 417*

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety of the General Laws is hereby amended by striking out section thirty-six, as appearing in section two of chapter four hundred and eighteen of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — *Section 36.* The public safety requiring, and the advantages of uniform regulation making it desirable in the interest of aeronautical progress, that a person engaging within this commonwealth in navigating or operating aircraft in any form of navigation should have the qualifications necessary for obtaining and holding a pilot's license, permit or certificate, issued by the department of commerce of the United States or other proper licensing authority, no person shall operate or navigate any aircraft in this commonwealth unless such person is the holder of an appropriate effective pilot's license, permit or certificate, issued by said department or authority; provided, that this restriction shall not apply to persons operating military aircraft of the United States or possessions thereof, public aircraft of any state or territory, or any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft, nor to glider pilots licensed by the registrar in accordance with such regulations as he may prescribe, nor to persons operating model aircraft.

G. L. (Ter.
Ed.), 90,
§ 36, etc.,
amended.

Operators of
aircraft to be
holders of
licenses, etc.

SECTION 2. Said chapter ninety is hereby further amended by striking out section thirty-seven, as so appearing, and inserting in place thereof the following: — *Section 37.* The public safety requiring, and the advantages of uniform regulation making it desirable in the interest of aeronautical progress, that aircraft operated within this commonwealth should conform with respect to design, construction and air-worthiness to the standards prescribed by the United States government with respect to navigation of civil aircraft subject to its jurisdiction, no aircraft shall be operated or navigated within the commonwealth unless such aircraft has an appropriate effective license, permit or certificate, issued by the department of commerce of the United States or other proper licensing authority and is registered by said department or other authority; provided, that this restriction shall not apply to military aircraft of the United States or possessions thereof, public aircraft of any state or territory, aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft, nor to model aircraft operated in accordance with such regulations as the registrar may

G. L. (Ter.
Ed.), 90,
§ 37, etc.,
amended.

Aircraft to
be licensed.

prescribe, nor to gliders licensed by the registrar in accordance with such regulations as he may prescribe; and provided, further, that the registrar may waive the provisions of this section for the purpose of inspection or test flights of a non-passenger carrying aircraft.

G. L. (Ter. Ed.), 90, § 38, etc., amended.

Resident owner to register federal license.

SECTION 3. Said chapter ninety is hereby further amended by striking out section thirty-eight, as so appearing, and inserting in place thereof the following:— *Section 38.* All resident airmen, and owners and operators, or owners or operators, of all aircraft, shall register the federal licenses, permits or certificates of said airmen and of said aircraft in such manner as the registrar may by regulation prescribe, and the registrar is hereby authorized to issue a certificate of registration in each case. Non-resident airmen, and owners and operators, or owners or operators, of aircraft, may operate within the commonwealth without such registration for not more than ten consecutive days in any calendar year. No aircraft, except in the case of an emergency, shall land upon or take off from any area in the commonwealth, other than an airport, landing field or landing strip approved by the department. No license, rule, order or regulation promulgated under authority of any provision of sections thirty-five to fifty, inclusive, shall apply to airports, landing fields, air beacons or other air navigation facilities owned or operated by the United States government.

G. L. (Ter. Ed.), 90, § 39, etc., amended.

Registrar to be attorney upon whom service of process may be made.

SECTION 4. Said chapter ninety is hereby further amended by striking out section thirty-nine, as so appearing, and inserting in place thereof the following:— *Section 39.* The operation within this commonwealth by any person, by himself or his agent, of any aircraft, whether registered or unregistered, and whether with or without a license, permit or certificate to operate, shall be deemed equivalent to an appointment by such person of the registrar, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him growing out of any accident or collision in which he may be involved while operating aircraft within the commonwealth, and such operation shall be a signification of agreement by such person that any lawful process against him which is served upon the registrar, or his successor in office, as such attorney shall be of the same legal force and validity as if served on him personally, and that the registrar, and his successor in office, shall continue to be his said attorney so long as any liability on account of such an accident or collision remains outstanding against him. Sections three A to three E, inclusive, shall apply to such service.

G. L. (Ter. Ed.), 90, § 40, etc., amended.

Certificate to be kept in possession of pilot when flying.

SECTION 5. Said chapter ninety is hereby further amended by striking out section forty, as so appearing, and inserting in place thereof the following:— *Section 40.* The certificate of registration required for pilots shall be kept in the personal possession of the registrant when he is operating aircraft within this commonwealth. The certificate of

aircraft registration shall be carried in the aircraft at all times and shall be conspicuously posted therein where it may be readily seen by passengers or by the persons hereinafter authorized to inspect the same. Either or both of said certificates shall be presented for inspection upon the demand of any passenger, any peace officer of this commonwealth, any authorized official or employee of the registry of motor vehicles, or any official, manager or person in charge of any airport, landing field or landing strip in this commonwealth upon which such aircraft shall land.

SECTION 6. Said chapter ninety is hereby further amended by striking out section forty-one, as so appearing, and inserting in place thereof the following:— *Section 41.* The department is hereby empowered to prescribe and enforce such rules and regulations as it may deem necessary and advisable for the public safety relative to the location, design, laying out, building and equipping of all airports, landing fields, landing strips, air markings, air beacons and other air navigation facilities within the commonwealth. The registrar is hereby empowered to prescribe and enforce such rules and regulations as he may deem necessary and advisable for the public safety and for the safety of aircraft and airmen; provided, that no rule or regulation prescribed by the registrar or the department under authority of this section shall be inconsistent with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder; and provided, further, that all rules and regulations prescribed by the registrar under authority of this section shall be subject to approval and shall take effect in the manner prescribed by section six of chapter sixteen.

G. L. (Ter. Ed.), 90, § 41, etc., amended.

Rules and regulations.

SECTION 7. Said chapter ninety is hereby further amended by striking out section forty-two, as so appearing, and inserting in place thereof the following:— *Section 42.* Airports, landing fields and landing strips for aircraft may be established from time to time and may be maintained by the department, or by other public officials in charge of any land owned or controlled by the commonwealth or by any city, town, county or district thereof, or, in case two or more political subdivisions of the commonwealth vote to form a district for any or all purposes of this section, by such district.

G. L. (Ter. Ed.), 90, § 42, etc., amended.

Airports, etc., to be established.

SECTION 8. Said chapter ninety is hereby further amended by striking out section forty-three, as so appearing, and inserting in place thereof the following:— *Section 43.* The owner and operator, or the owner or operator, of any aircraft which is in any manner involved in an accident within the commonwealth in which any person is killed or injured shall forthwith report in writing to the registrar. Whenever the death of any person results from such an accident the registrar shall forthwith suspend the right to operate aircraft of the person or persons involved in said accident, pending an investigation. When an aircraft shall have been damaged

G. L. (Ter. Ed.), 90, § 43, etc., amended.

Owner, etc., to report accidents.

within the commonwealth in any structural part, such damage shall be reported forthwith to the registrar in writing by the owner and the person operating the same, and such aircraft shall not be operated again within the commonwealth until such damaged part has been replaced or repaired and until the aircraft has been inspected and approved by the registrar or his duly authorized agent. The registrar shall investigate the cause of any accident within this commonwealth in which a civil aircraft is involved.

G. L. (Ter. Ed.), 90, new section 43A, added.

Powers of police, etc.

SECTION 9. Said chapter ninety is hereby further amended by inserting after section forty-three the following new section:— *Section 43A.* Any member of the division of state police of the department of public safety or of the police force of the metropolitan district commission, any other peace officer of the commonwealth, and the registrar and his authorized agents, shall have and exercise relative to any aircraft accident referred to in section forty-three, or any violation of any provision of sections thirty-five to fifty, inclusive, or of any rule or regulation made or promulgated under authority thereof and in full force and effect, the same powers and duties as such a member or officer has and may exercise in relation to any accident or violation of law involving a motor vehicle.

G. L. (Ter. Ed.), 90, § 44, etc., amended.

Suspension of right to operate aircraft.

SECTION 10. Said chapter ninety is hereby further amended by striking out section forty-four, as so appearing, and inserting in place thereof the following:— *Section 44.* The registrar may suspend, and after a hearing, due notice whereof shall have been given, revoke, an airman's certificate of registration or right to operate aircraft in this commonwealth if such airman has exceeded his authority under his license, permit or certificate. The registrar may suspend, and after a hearing, due notice whereof shall have been given, revoke, an airman's certificate of registration or the right of any person, whether or not an airman, to operate aircraft in this commonwealth (a) if such person has operated any aircraft in a manner dangerous to any person; (b) upon the use by such person of an unregistered aircraft, except as authorized by section thirty-seven; (c) for operating an aircraft as to which damage referred to in section forty-three has occurred and before full compliance with said section; or (d) for violation of any provisions of sections thirty-five to fifty, inclusive, or of any rule or regulation made or promulgated by the registrar under authority thereof and in full force and effect. The registrar shall suspend for at least one year, and may after a hearing, due notice whereof shall have been given, revoke, the certificate of registration or right to operate of any person who has been convicted within the commonwealth of operating an aircraft while under the influence of intoxicating liquor.

The registrar may suspend, and after a hearing, due notice whereof shall have been given, revoke, the certificate of registration or the right of registration or the right of operation

in this commonwealth of an aircraft if such aircraft is found by him or his authorized agent to be un-airworthy.

The registrar may suspend, and after a hearing, due notice whereof shall have been given, revoke, the certificate of registration or the right of operation in this commonwealth of an aircraft until such time as the ownership thereof shall have been legally assigned or transferred according to law —

(a) If such aircraft is operated in violation of any provision of sections thirty-five to fifty, inclusive, or of any rule or regulation made by the registrar under authority thereof and in full force and effect; or

(b) If such aircraft is operated for any purpose not authorized by its registration.

Action by the registrar under any provision of this section shall be in addition to any liability or other penalty imposed by law.

SECTION 11. Said chapter ninety is hereby further amended by striking out section forty-five, as so appearing, and inserting in place thereof the following:— *Section 45.* There shall be in the department, but, except as hereinafter provided, in no way subject to the commissioner or associate commissioners, an unpaid advisory board of aeronautical experts which shall consist of five members, appointed by the governor, with the advice and consent of the council. The members of said board shall be designated in their original appointments to serve respectively for one, two, three, four and five years; and upon the expiration of the term of office of a member his successor shall be appointed in like manner to serve for five years. A vacancy in the office of any member of said board shall be filled in like manner for the balance of the unexpired term. The duties of said board shall be to advise the department and the registrar on all matters pertaining to aviation, and to promote and encourage aviation. Said board shall meet at least bi-monthly and whenever requested so to do by the department or the registrar, and shall annually make to the department and to the general court a report, which shall include such recommendations relative to aviation as said board deems necessary or advisable.

G. L. (Ter. Ed.), 90, § 45, etc., amended. Advisory board of experts.

SECTION 12. Said chapter ninety is hereby further amended by striking out section forty-six, as so appearing, and inserting in place thereof the following:— *Section 46.* Any person failing to comply with any requirement, or violating any provision, of sections thirty-five to fifty, inclusive, or the rules and regulations for the enforcement of said sections made by the registrar and in full force and effect, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or both. Whoever operates an aircraft while under the influence of intoxicating liquor shall be punished by imprisonment for not less than one month nor more than two years.

G. L. (Ter. Ed.), 90, § 46, etc., amended. Penalty.

Approved June 16, 1938.

Chap. 418 AN ACT RELATIVE TO THE CONSTRUCTION OF ADDITIONAL WORKS IN THE NORTH METROPOLITAN SEWERAGE DISTRICT.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

Section seven of chapter four hundred and thirty-three of the acts of nineteen hundred and thirty-seven is hereby amended by inserting after the word "creek" in the fourteenth line the words:—, and shall also forthwith construct and thereafter maintain and operate such works as said commission and the department of public health may deem practical to prevent objectionable conditions from the overflow of sewage from the north metropolitan relief sewer at or near Cradock dam, — so as to read as follows:— *Section 7.* If a grant of federal money for the foregoing purposes is not received on or before September thirtieth, nineteen hundred and thirty-seven, the foregoing sections shall be inoperative and, on and after October first, nineteen hundred and thirty-seven, the metropolitan district commission shall make borings and prepare plans and specifications for the construction of a main sewer or sewers with sewer connections and other works, in the valleys of the Mystic river and its tributaries, and through other territory in the cities of Medford, Everett and Chelsea and in the East Boston district of the city of Boston from a point at the present terminus of the north metropolitan relief sewer in Medford, thence in a general easterly direction to the vicinity of the Chelsea creek, and shall also forthwith construct and thereafter maintain and operate such works as said commission and the department of public health may deem practical to prevent objectionable conditions from the overflow of sewage from the north metropolitan relief sewer at or near Cradock dam. For the purpose of carrying out said work the said commission may expend a sum not exceeding two hundred and seventy thousand dollars.

Approved June 16, 1938.

Chap. 419 AN ACT RELATIVE TO BIDS AND CONTRACTS FOR STATE PRINTING AND BINDING AND FOR FURNISHING CERTAIN OFFICE SUPPLIES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 5, § 1,
etc., amended.

Chapter five of the General Laws is hereby amended by striking out section one, as most recently amended by chap-

ter three hundred and seventy-three of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 1.* The division of personnel and standardization shall supervise the state printing and all publications by the commonwealth shall be printed under its direction; provided, that the foregoing provisions shall not apply to legislative printing or to publications required to be issued by the state secretary under the three following sections, or under chapter ninety of the resolves of nineteen hundred and twenty or any other special provision of law. All publications by the commonwealth shall be distributed under the direction of the state secretary unless otherwise provided.

Supervision
of state
printing.

Distribution.

The commission on administration and finance, or any other awarding official, in the advertising for bids or the placing of orders for the execution of printing, composition, proof reading, presswork, all processes used in the making of printing plates, paper ruling and binding, or for the supplying of office stationery and blank books without printed headings, for the several departments of the government of the commonwealth other than the legislative department, shall take into consideration the facilities of the several bidders, or of the several establishments under consideration in the matter of placing such orders, as the case may be, as well as the terms offered. Contracts or orders shall be given to such establishments only as pay the prevailing rate of wages, based on a working day of eight hours, with not more than forty hours in any one week; provided, that nothing herein contained shall prevent said commission, or any other awarding official, from placing contracts or orders with existing state institutions or departments which furnish printing or other work of the kind and character above mentioned. Said commission, or other awarding official, may reject any and all bids received.

Contracts.

The prevailing rate of wages shall be determined by the commissioner of labor and industries as herein provided. Said prevailing rates shall be based on wage rates and working hours that have been established in the printing and binding industry by collective agreement or understanding between organized labor and employers. At least once in six months said commissioner shall prepare and furnish for the use of said commission, or other awarding officials, a list of the several classifications usually performed by the employees in the printing and binding trades together with the prevailing rate of wages and working hours.

Rate of
wages.

Every contractor, sub-contractor or other employer, engaged in any work to which this section applies shall keep a true and accurate record of all employees, showing the name, address and occupational classification of each employee, and the hours worked by, and the wages paid to, each such employee, and shall furnish to said commissioner upon his request a true statement of the contents of such record. Such records shall be kept in such manner as said

Records.

commissioner shall prescribe, and shall be open to inspection by any authorized representative of said commission or of the department of labor and industries at any reasonable time and as often as may be necessary.

Penalty.

Whoever, for himself or as an agent, superintendent or foreman for another, violates any provision of this section shall be punished for a first offense by a fine of not less than twenty-five nor more than one hundred dollars, and for a subsequent offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than three months, or both. Whoever shall have been convicted of a second violation of any provision of this section shall be prohibited from contracting, directly or indirectly, with the commonwealth for, or from performing, any work covered by this section as contractor or sub-contractor for a period of two years from the date of said conviction.

Bonds.

Bonds, satisfactory to said commission, or other awarding official, may be required to be given by the party to whom any contract is awarded, to secure its faithful performance.

Approved June 16, 1938.

Chap. 420 AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PROPERTY ADJOINING THE STATE PIER AT NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to purchase, for the purpose of increasing the facilities of the state pier at New Bedford, the property of the Old Colony Railroad Company adjoining said pier, and to expend for the purpose such sum, not exceeding fifty thousand dollars, as may be hereafter appropriated for the purpose.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1938.

Chap. 421 AN ACT RELATIVE TO THE RETIREMENT AND PENSION STATUS OF THE MESSENGER OF THE JUSTICES OF THE SUPREME JUDICIAL COURT AND OF CERTAIN COURT OFFICERS IN ATTENDANCE UPON SAID COURT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of paragraph (6) of section two of chapter thirty-two of the General Laws, the messenger of the justices of the supreme judicial court shall, for retirement purposes, be deemed to be an employee of Suffolk county within the meaning of section two, as amended, of chapter five hundred and twenty-one of the acts of nineteen hundred and twenty-two, known as the Boston retirement act, and is hereby declared to be a member of the retirement system thereby established, with all the rights, benefits and privileges and subject to all the

conditions and restrictions specified in said act and amendments thereof in respect to employees of Suffolk county who are members of said retirement system.

SECTION 2. The state treasurer and the treasurer of the city of Boston shall each withhold on each pay day four per cent of the regular compensation due from the commonwealth and said city, respectively, to said messenger and to each court officer in attendance upon said court who is a member of said retirement system and forthwith pay the amounts so withheld to the Boston retirement board, hereinafter called the board, who shall immediately deposit them in the annuity savings fund, established under section six of said chapter five hundred and twenty-one, to the credit of said messenger or officer, as the case may be.

SECTION 3. Such sums, to be computed by the board, as shall be necessary to provide the pension payments under said retirement system on account of said messenger and each of said officers, shall, upon the retirement of said messenger or any such officer, be provided by the commonwealth and by said city in the proportion that the compensation from each respectively bears to the total compensation of said messenger or officer, as the case may be.

SECTION 4. Forthwith after the effective date of this act the state treasurer, as custodian of the fund of the state retirement association, shall pay to the Boston retirement board the sum of the accumulated deductions of said messenger, with accrued interest. Said board shall forthwith deposit the same in said annuity savings fund to the credit of said messenger.

SECTION 5. Each such officer shall pay to said board, at such times and in such manner as it may prescribe, an amount equal to the sums, with interest thereon at the rate of four per cent per annum, which should have been withheld from his regular compensation by the commonwealth from October twenty-third, nineteen hundred and twenty-four, to the effective date of this act. All payments under this section shall be deposited by said board in said annuity savings fund to the credit of the officer making such payment.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1938.

AN ACT AUTHORIZING THE TOWN OF DARTMOUTH TO MAKE Chap. 422
ADDITIONAL WATER LOANS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of extending its water mains and improving its water distribution facilities, the town of Dartmouth may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Dartmouth

Water Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 2. The town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section one; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required by law, shall, without further vote, be assessed by the assessors of the town annually thereafter, in the same manner as other taxes, until the debt incurred by said loan or loans is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1938.

Chap. 423 AN ACT GIVING PREFERENCE TO WIDOWS AND OTHER UNMARRIED WOMEN IN THE EMPLOYMENT OF WOMEN BY THE SCHOOL COMMITTEE OF THE CITY OF MEDFORD UNDER THE CLASSIFIED LABOR SERVICE.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of civil service, on receipt of a requisition from the school committee of the city of Medford for the employment of women under the classified labor service in said city, shall, in certifying eligible applicants for positions in said service, give preference first to widows and secondly to other unmarried women.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1938.

Chap. 424 AN ACT EXTENDING TO DISABLED VETERANS THE ADVANTAGES OF UNIVERSITY EXTENSION COURSES FREE OF CHARGE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 69, § 7, etc., amended.

University extension and correspondence courses.

Chapter sixty-nine of the General Laws is hereby amended by striking out section seven, as most recently amended by chapter three hundred and fifteen of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following: — *Section 7.* The department may co-operate with existing institutions of learning in the establishment and conduct of university extension and correspondence courses; may supervise the administration of all such courses supported in whole or in part by the commonwealth; and also, where deemed advisable, may establish and conduct such courses for the benefit of residents of the common-

wealth and, provided that the fees charged exceed the cost of service, may enroll in correspondence courses such non-residents as are approved by the department. The department may offer correspondence courses, free of charge, to inmates of county and state hospitals and sanatoria, county and state correctional institutions, the state infirmary, and federal hospitals situated within the commonwealth, and to veterans, as such term is defined in section twenty-one of chapter thirty-one, who come within the class referred to as disabled veterans in section twenty-three of said chapter thirty-one, and may permit university extension courses to be taken, free of charge, by such veterans, and also by blind persons who have resided in the commonwealth at least one year immediately prior to the taking of such courses. It may, in accordance with rules and regulations established by it, grant to students satisfactorily completing such courses suitable certificates. *Approved June 16, 1938.*

AN ACT PROVIDING THAT AMOUNTS PAYABLE BY THE COMMONWEALTH TO ANY MUNICIPALITY FOR TEMPORARY AID PROVIDED FOR UNSETTLED PERSONS SHALL NOT BE REDUCED ON ACCOUNT OF WORK OR SERVICE RENDERED IN RETURN FOR SUCH AID. *Chap. 425*

Be it enacted, etc., as follows:

Section eighteen of chapter one hundred and seventeen of the General Laws, as amended by chapter forty-five of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "commonwealth" in the sixteenth and seventeenth lines the words: —, without reduction on account of work or service rendered by the persons so aided in return for such aid, — so as to read as follows: — *Section 18.* A town may furnish temporary aid to poor persons found therein, having no lawful settlements within the commonwealth, if the board of public welfare consider it for the public interest; and the board of public welfare shall in every case give written notice within ten days to the department of public welfare, which shall examine the case and order such aid as it deems expedient. If it directs a discontinuance of such aid, it shall remove such persons to the state infirmary or to any state or place where they belong, if their necessities or the public interests require it, and the superintendent of said infirmary shall receive the persons removed thereto as if they were sent there in accordance with section seven of chapter one hundred and twenty-two. A detailed statement of expenses so incurred shall be rendered, and after approval by the department such expenses shall be paid by the commonwealth, without reduction on account of work or service rendered by the persons so aided in return for such aid. If any such person refuses to submit to removal, the department or any of its officers or agents may apply to the district

G. L. (Ter. Ed.), 117, § 18, etc., amended.

Cities and towns may furnish aid to certain state charges.

court of the district where such person resides, for an order directing that such removal be made. Upon such application the court shall forthwith cause a summons to be served upon the person so refusing, and, if he be a minor, upon his parent or guardian, requiring the attendance of the person so summoned at a time and place appointed therein for hearing; and at such time and place shall hear and examine upon oath such person or persons, and shall hear such other evidence as may be material. If upon hearing it appears that the person sought to be removed is without a legal settlement in this commonwealth and is unable to support himself, and that his necessities or the public interests require his removal, the court shall issue an order in writing, directed to a duly constituted officer or agent of the department, reciting that such person appears to be a state charge, and that his necessities or the public interests require his removal, and commanding such officer or agent to remove him to the state infirmary or to any other state institution designated by the department, and such officer or agent shall thereupon make the removal as ordered. After the removal is made such officer or agent shall file such order, with his return thereon, with the clerk of the court from which it was issued. In every case where a removal is ordered a detailed statement of the expense incurred by any town for the support of the person so removed while application for his removal was pending before the court shall be rendered, and after approval by the department shall be paid by the commonwealth. Reimbursement by the commonwealth under the provisions hereof shall be subject to the provisions of section forty-two of chapter one hundred and twenty-one.

Approved June 16, 1938.

Chap. 426 AN ACT PROVIDING FOR ONE DAY OFF IN EVERY SIX DAYS
FOR POLICE OFFICERS OF CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 147,
§ 16A, etc.,
amended.

One day off
in seven for
police officers.

SECTION 1. Chapter one hundred and forty-seven of the General Laws is hereby amended by striking out section sixteen A, inserted by section one of chapter eighty-five of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 16A.* Members of the police department of every town which has heretofore accepted this section shall, so long as its provisions are operative therein, be excused from duty for one day out of every seven without loss of pay.

G. L. (Ter.
Ed.), 147,
new section
16B, added.
One day off
in six.

SECTION 2. Said chapter one hundred and forty-seven is hereby further amended by inserting after section sixteen A, as so inserted, the following new section:— *Section 16B.* Except in Boston, members of the police department of every town which accepts this section by vote of its city council in case of a city or of the town, in case of a town, whether or not section fourteen, fifteen, sixteen or sixteen A

has theretofore been operative therein, shall be excused from duty for one day out of every six without loss of pay.

SECTION 3. Section seventeen of said chapter one hundred and forty-seven, as amended by section two of said chapter eighty-five, is hereby further amended by striking out, in the third line, the word "four" and inserting in place thereof the word:— five, — and by inserting after the words "sixteen A" in the twenty-second line the words: — , or sixty in each year in a town subject to section sixteen B, — so as to read as follows:— *Section 17.* The time and manner of excusing members of police departments from duty in any town subject to any of the five preceding sections shall be determined by the chief, superintendent or other officer or board at the head of the police department. A member so excused shall be exempt from duty and from attendance at a police station or other place, but otherwise shall be subject to all laws, rules and regulations relating to members of the department to which he belongs. The chief, superintendent or other officer or board at the head of the police department of any such town may, in case of any public emergency, or of any unusual demand for the services of the police in that town, prevent any member of the department from taking the day off at the time when he is entitled thereto, or at the time assigned therefor, provided that such day off shall be granted to him as soon thereafter as is practicable. In no case shall the number of such days off be less than twelve in each year in a town subject to section fourteen, or twenty-four in each year in a town subject to section fifteen, or forty-five in each year in a town subject to section sixteen, or fifty-two in each year in a town subject to section sixteen A, or sixty in each year in a town subject to section sixteen B, and they shall be in addition to any annual vacation now or hereafter allowed to members of the said departments, and such annual vacation shall not be diminished on account thereof.

G. L. (Ter. Ed.), 147, § 17, etc., amended.

General provisions.

Approved June 16, 1938.

AN ACT PROVIDING FOR STATE WIDE VERIFICATION OF VOTING
LISTS.

Chap. 427

Be it enacted, etc., as follows:

SECTION 1. The registrars of voters or officers under special laws performing like duties in each city and town, hereafter in this act called registrars, shall, between December first in the year nineteen hundred and thirty-eight and December first in the year nineteen hundred and thirty-nine, verify the voting lists and certify them as required by section three of this act, and for this purpose may appoint such temporary assistant registrars as may be necessary.

SECTION 2. The state secretary shall, on or after December first in the year nineteen hundred and thirty-eight, at the expense of the commonwealth, furnish to the registrars

of each city and town such filing or other equipment and such number of registration forms or cards, hereinafter called cards, as may be necessary to carry out this act. Such cards shall be known as registration record cards and shall be of such size and form as the state secretary may determine, and shall have printed thereon the schedule as provided for the general register under section thirty-six of chapter fifty-one of the General Laws, together with the following:

Sex.

The city or town where last previously registered, if any.

Date of birth.

Height.

Father's name in full.

Mother's maiden name in full.

Such cards containing all facts required by the foregoing shall be signed by each voter whose name appears on any nineteen hundred and thirty-eight voting list and by each applicant for registration on or after December first in the current year. Such cards shall be used at polling places for the purpose of identification of voters after January first, nineteen hundred and forty. The signature on such card of the applicant for registration or the voter shall be made, under the penalties of perjury, in the presence of a registrar, or assistant registrar, who shall affix his name thereto.

SECTION 3. Upon the completion of the verification of the voting list, but in no event later than December first in the year nineteen hundred and thirty-nine, the registrars shall file with the mayor in cities or the selectmen in towns, as the case may be, the following certificate:—

We, the registrars of voters or election commissioners of the city (or town) of _____ do hereby certify that we have verified the list of registered voters in the city (or town), as required by chapter _____ of the acts of nineteen hundred and thirty-eight, as of November first, nineteen hundred and thirty-nine.

SECTION 4. On January first, nineteen hundred and forty, the registrars shall revise the general register and the annual register compiled under section thirty-seven of chapter fifty-one of the General Laws as affected by this act and strike therefrom the names of all persons who have not signed the registration record cards as provided in this act; provided, that there shall not be stricken from said registers the name of any person unless such person shall, not less than thirty days prior to such action, have been notified by the registrars by mail of his failure to sign the registration record card and informed of the procedure to be followed in order to have his name retained on said registers, nor unless such person shall have been given a reasonable opportunity to follow said procedure.

Approved June 16, 1938.

AN ACT RELATIVE TO PROVIDING HIGHER EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF MASSACHUSETTS MEN AND WOMEN WHO DIED IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES DURING THE WORLD WAR, OR AS A RESULT OF SUCH SERVICE. Chap. 428

Be it enacted, etc., as follows:

Section one of chapter two hundred and sixty-three of the acts of nineteen hundred and thirty is hereby amended by inserting after the word "father" in the fifth line the words:— or mother, — and by striking out, in the eighth to the tenth lines, inclusive, the words " , between April sixth, nineteen hundred and seventeen and July second, nineteen hundred and twenty-one", — so as to read as follows:— *Section 1.* The commonwealth, acting through the department of education, may contribute toward the expenses of the higher education of any child, resident in the commonwealth and not under sixteen years and not over twenty-two years of age, whose father or mother entered the military or naval service of the United States from Massachusetts in the world war and was killed in action or died from other cause as a result of such service.

Approved June 16, 1938.

AN ACT MAKING JOSEPH EARLY, AN EMPLOYEE OF THE SOLDIERS' HOME IN MASSACHUSETTS, ELIGIBLE FOR CERTAIN RETIREMENT BENEFITS UNDER THE STATE RETIREMENT SYSTEM. Chap. 429

Be it enacted, etc., as follows:

Joseph Early, employed at the Soldiers' Home in Massachusetts since November twenty-sixth, nineteen hundred and eighteen, except from September, nineteen hundred and thirty-four, to October, nineteen hundred and thirty-five, shall be entitled to all the rights and privileges of members of the state retirement system which he would have enjoyed if he had been employed at said institution on the date when it was taken over by the commonwealth; provided, that he first deposits in the annuity fund of said system such amount as the state board of retirement may determine in order to establish an account for him in said annuity fund in an amount equal to that which it would have been if he had become a member of said system on the date of his re-employment at said institution in October, nineteen hundred and thirty-five.

Approved June 16, 1938.

Chap. 430 AN ACT RELATIVE TO THE FEE FOR THE REGISTRATION OF
SEMI-TRAILERS DRAWN BY TRACTORS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 90, § 33,
etc., amended.

Subdivision (3) of section thirty-three of chapter ninety of the General Laws, as most recently amended by chapter three hundred and seventy-seven of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the second line, the words "five dollars" and inserting in place thereof the words: — one dollar, — so as to read as follows: — (3) For the registration of every semi-trailer drawn by a tractor registered under subdivision (2), one dollar.

Approved June 16, 1938.

Fee for
semi-trailers.

Chap. 431 AN ACT FURTHER REGULATING THE TAXATION OF SALES
OF GASOLINE AND CERTAIN OTHER MOTOR VEHICLE FUEL
WITH RESPECT TO RETURNS AND PAYMENTS, AND FURTHER
EXTENDING THE TIME DURING WHICH THERE SHALL BE
COLLECTED AN ADDITIONAL TAX ON SUCH SALES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 64A, § 4,
amended.

Monthly
returns and
payment
of excise.

SECTION 1. Chapter sixty-four A of the General Laws is hereby amended by striking out section four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 4.* Every distributor shall, on or before the last day of each month, file with the commissioner a return under oath, on a form to be furnished by the commissioner, stating the number of gallons of fuel sold by him in the commonwealth during the preceding calendar month, and such return shall contain or be accompanied by such further information as the commissioner shall require. At the time of filing such return, every distributor shall pay to the commissioner for the account of the purchaser an excise of two cents on each gallon of fuel sold by him in the commonwealth during the calendar month covered by the return.

SECTION 2. Chapter two hundred and forty-eight of the acts of nineteen hundred and thirty-two, as most recently amended by chapter three hundred and ninety-eight of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the fifth line, the word "thirty-nine" and inserting in place thereof the word: — forty-one, — so as to read as follows: — The time during which the additional excise tax of one cent is imposed on each gallon of fuel, as defined in section one of chapter sixty-four A of the General Laws, sold in the commonwealth, is hereby extended to and including the thirtieth day of April, nineteen hundred and forty-one, and the provisions of section four of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-one shall apply to the tax so imposed during such extended period.

Approved June 16, 1938.

AN ACT REQUIRING THE USE OF CERTAIN SIGNAL LIGHTS AT LOCATIONS ON UNLIGHTED WAYS WHERE CERTAIN VEHICLES ARE DISABLED. Chap. 432

Be it enacted, etc., as follows:

Chapter eighty-five of the General Laws is hereby amended by inserting after section fourteen A, as appearing in the Tercentenary Edition, the following new section:—*Section 14B.* Whenever any commercial vehicle having a gross weight in excess of five thousand pounds other than a motor bus or taxicab, or any automobile service truck, so called, becomes disabled upon the traveled portion of any street or highway which is not artificially lighted at night the operator of such vehicle shall, during the time when lights are required to be displayed on motor vehicles, place three lighted flares on the traveled part of the way in the following positions:—one flare in the center of the traffic lane in which such disabled vehicle remains and distant approximately one hundred feet from such vehicle in the direction of traffic approaching in that lane; one flare not less than one hundred feet from such vehicle in the opposite direction in said lane; and one flare at the traffic side of such vehicle, not nearer than ten feet from the front or rear of such vehicle; provided, that if such vehicle is disabled within three hundred feet of a curve, crest of a hill, or other place where the view of such vehicle is obstructed, the flare in that direction shall be so placed as to afford ample warning to other persons using such way, and in no case less than one hundred feet, nor more than three hundred feet, from the disabled vehicle. The word “flare” as used in this section shall mean either a pot torch or a red electric lamp which meets the specifications recommended by the Interstate Commerce Commission for the construction and performance of such devices and bear the label of the Underwriters’ Laboratory, Inc.

G. L. (Ter. Ed.), 85, new section 14B, added.

Lights at places where certain motor vehicles are disabled.

Every vehicle to which this section applies, when operated on any street or highway not artificially lighted at night shall, during the period when lights are required to be displayed on motor vehicles, carry three flares in a position where they are easily accessible to any person desiring to use the same and to any officer or official authorized to inspect said vehicle.

Violation of any provision of this section shall be punished by a fine of not more than twenty-five dollars and, in addition, the registrar of motor vehicles may, in the case of a motor vehicle not equipped as provided by this section, suspend for not more than fifteen days the certificate of registration of such vehicle. This section shall not apply to street railway cars and trackless trolley vehicles.

Approved June 16, 1938.

Chap. 433 AN ACT MAKING THE UNITED STATES PROPERTY AND DISBURSING OFFICER FOR MASSACHUSETTS THE FINANCE OFFICER OF THE MASSACHUSETTS NATIONAL GUARD, DEFINING HIS POWERS AND DUTIES AND ESTABLISHING HIS COMPENSATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 33, § 82, amended.

Section eighty-two of chapter thirty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding after subsection (d) the following new subsection:—

Finance officer of national guard.

(e) The United States Property and Disbursing Officer for Massachusetts shall be the finance officer of the Massachusetts National Guard. Such officer shall receipt and account for all funds and property belonging to the United States in possession of the commonwealth, shall make such returns and reports concerning the same as may be required by the secretary of war and shall carry out such orders as may be issued from time to time by the secretary of war. Such officer shall assume such further functions and duties as may be imposed by the adjutant general of the commonwealth and, with respect to such functions and duties, shall be responsible to the adjutant general. He shall hold rank in accordance with the National Defense Act and shall receive a salary of thirty-five hundred and forty dollars, less any sums received from the federal government as pay, except pay received for attendance at camps of instruction.

Approved June 21, 1938.

AN ACT RELATIVE TO THE PRACTICE OF OPTOMETRY.

Chap. 434 *Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 112, § 72, etc., amended.

SECTION 1. Section seventy-two of chapter one hundred and twelve of the General Laws, as appearing in section two of chapter three hundred and thirty-nine of the acts of nineteen hundred and thirty-four, is hereby amended by striking out, in the first and in the sixth and seventh lines, the words "or business",—so as to read as follows:—*Section 72.* No optometric practice, other than an optometric clinic approved by the board and operated and conducted on a non-profit basis by a school or college of optometry or an association of registered optometrists, shall be conducted under any name other than that of the optometrist or optometrists actually conducting such practice.

Practice to be conducted under name of registrant.

G. L. (Ter. Ed.), 112, § 73, etc., amended.

SECTION 2. Section seventy-three of said chapter one hundred and twelve, as so appearing, is hereby amended by striking out, in the thirteenth to the sixteenth lines, inclusive, the words "; nor shall said sections prevent the employment by any person of a registered optometrist to be in charge of, or practice optometry in, an optical department conducted by such person",—so as to read as follows:—*Section 73.* Sections sixty-six to seventy-two A,

Application of certain sections.

inclusive, shall not apply to physicians and surgeons lawfully entitled to practice medicine in the commonwealth, or to persons who neither practice nor profess to practice optometry, but who sell spectacles, eyeglasses or lenses, either on prescription from such physicians or surgeons, or from optometrists authorized to practice in the commonwealth, or as merchandise from permanently located and established places of business when not sold for the purpose of correcting defective vision; nor shall said sections prevent the widow or widower of a registered optometrist, or the wife or husband of a registered optometrist who is incapacitated, from continuing the practice of optometry under a registered optometrist. Nothing herein contained shall prevent any such physician or surgeon from taking an examination and receiving a certificate of registration under section sixty-eight, nor shall this section and sections sixty-six to seventy-two A, inclusive, authorize any person to administer drugs in any form, to practice or claim to practice medicine or surgery in any sense, or to use any title or appellation intended or calculated to indicate the practice of medicine or surgery.

SECTION 3. Said chapter one hundred and twelve is hereby further amended by inserting after section seventy-three A, inserted by section one of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-seven, the following new section: — *Section 73B.* No person shall practice optometry on premises not separate from premises whereon eyeglasses, lenses, or eyeglass frames are sold by any other person; nor shall any person practice optometry under any lease, contract or other arrangement whereby any person, not duly authorized to practice optometry, shares, directly or indirectly, in any fees received in connection with said practice of optometry. For the purposes of this section, any room or suite of rooms in which optometry is practiced shall be considered separate premises if it has a separate and direct entrance from a street or public corridor, whether or not it has an entrance from any other room in the same building. Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not more than six months, or both.

G. L. (Ter. Ed.), 112, new section 73B, added.

Practice of optometry regulated.

SECTION 4. If any part, section, or subdivision of this act, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person, persons or conditions, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives,

June 20, 1938, and, in concurrence, by the Senate, June 21, 1938, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

Chap. 435 AN ACT AUTHORIZING THE RING'S ISLAND WATER DISTRICT OF SALISBURY TO REFUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. The Ring's Island Water District of Salisbury, established by chapter two hundred and ninety-eight of the acts of nineteen hundred and thirty-six, is hereby authorized to refund or extend from time to time for a period not beyond July first, nineteen hundred and forty-four, three thousand dollars balance now outstanding of a loan of thirty-five hundred dollars borrowed on a note dated June seventh, nineteen hundred and thirty-seven, and maturing June seventh, nineteen hundred and thirty-eight, issued under said chapter two hundred and ninety-eight for the purpose of paying a part of the cost of the construction of its water system; and may issue notes therefor, which shall bear on their face the words, Ring's Island Water District of Salisbury Refunding Loan, Act of 1938. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1938.

Chap. 436 AN ACT RELATIVE TO THE ARRANGEMENT OF NAMES OF CANDIDATES UPON BALLOTS AT STATE PRIMARIES AND TO THE USE OF THE WORDS "CANDIDATE FOR RE-ELECTION" ON OFFICIAL BALLOTS IN THE CASE OF CERTAIN CANDIDATES BEARING THE SAME OR A SIMILAR SURNAME.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 53, § 34.
etc., amended.

SECTION 1. Section thirty-four of chapter fifty-three of the General Laws, as most recently amended by chapter twenty-two of the acts of nineteen hundred and thirty-seven, and as affected by chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out the first paragraph, as appearing in section seven of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — At the top of each ballot shall be printed the words "Official ballot of the (here shall follow the party name)". On the back of each

Arrangement
of names of
candidates
upon state
primary
ballots.

ballot when folded shall be printed the same words, followed by the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the primary and for state or presidential primaries a facsimile of the signature of the state secretary and for city or town primaries a facsimile of the signature of the city or town clerk. Names of candidates for each elective office shall be arranged alphabetically according to their surnames except that names of candidates for renomination to state offices of which they are the elected incumbents shall be placed first, in alphabetical order, and the names of other candidates shall follow, in like order. Names of candidates for state committees shall be arranged in accordance with the provisions of section seventeen A.

SECTION 2. The third paragraph of section forty-one of chapter fifty-four of the General Laws, as most recently amended by chapter one hundred and ninety of the acts of the current year, is hereby further amended by striking out the second sentence and inserting in place thereof the following:— To the name of a candidate for a state or city office who is an elected incumbent thereof and who is one of two or more candidates therefor bearing the same or a similar surname, there shall be added in the same space the words "Candidate for Re-election".

G. L. (Ter. Ed.), 54, § 41, etc., amended.

Use of words "Candidate for Re-election" authorized.

Approved June 22, 1938.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, FOR INTEREST AND DEBT REQUIREMENTS, FOR CERTAIN PERMANENT IMPROVEMENTS, AND GRANTING A COUNTY TAX FOR SAID COUNTIES.

Chap. 437

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The following sums are hereby appropriated for the counties hereinafter specified for the year nineteen hundred and thirty-eight. No direct drafts against the account known as the reserve fund shall be made, but transfers from this account to other accounts may be made to meet extraordinary or unforeseen expenditures upon the request of the county commissioners and with the approval of the director of accounts.

SECTION 2.

Barnstable County.

Item

1	For interest on county debt, a sum not exceeding five thousand seven hundred seventy-two dollars and fifty cents	\$5,772 50
2	For reduction of county debt, a sum not exceeding thirty-four thousand dollars	34,000 00

Item		
3	For salaries of county officers and assistants, a sum not exceeding twenty-two thousand five hundred seventy dollars	\$22,570 00
4	For clerical assistance in county offices, a sum not exceeding fourteen thousand seven hundred ninety dollars	14,790 00
5	For salaries and expenses of district courts, a sum not exceeding twenty-nine thousand dollars	29,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-eight thousand four hundred twenty-five dollars	38,425 00
7	For criminal costs in superior court, a sum not exceeding twelve thousand dollars	12,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding seven thousand dollars	7,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding one thousand five hundred dollars	1,500 00
11	For medical examiners and commitments of insane, a sum not exceeding two thousand fifty dollars	2,050 00
12	For auditors, masters and referees, a sum not exceeding three thousand dollars	3,000 00
13	For building county buildings and purchase of land, a sum not exceeding two thousand four hundred dollars	2,400 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding seventeen thousand eight hundred sixty dollars	17,860 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding nineteen thousand eight hundred eighty-nine dollars	19,889 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding fifty-eight thousand six hundred dollars	58,600 00
17	For law libraries, a sum not exceeding eight hundred dollars	800 00
18	For the training school, a sum not exceeding two hundred fifty dollars	250 00
19	For county aid to agriculture, a sum not exceeding seventeen thousand two hundred twenty-five dollars	17,225 00
20	For the sanatorium, a sum not exceeding sixty-seven thousand dollars	67,000 00
20a	For county health service, a sum not exceeding eleven thousand four hundred forty dollars	11,440 00
21	For state fire patrol, a sum not exceeding one thousand three hundred dollars	1,300 00
22	For non-contributory pensions, a sum not exceeding one thousand four hundred twenty-five dollars	1,425 00
22a	For the contributory retirement system, a sum not exceeding nine thousand three hundred ninety-five dollars	9,395 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand seven hundred ninety dollars	2,790 00
23a	For unpaid bills of previous years, a sum not exceeding seven hundred fifty-one dollars and forty-five cents	751 45
23b	For a police training school, a sum not exceeding five hundred dollars	500 00
23d	For a radio station, a sum not exceeding seven thousand dollars	7,000 00

Item

24	For a reserve fund, a sum not exceeding seven thousand five hundred dollars	\$7,500 00
	And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand eight hundred sixty-one dollars and fifty-eight cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$300,861 58

Berkshire County.

1	For interest on county debt, a sum not exceeding five hundred dollars	\$500 00
3	For salaries of county officers and assistants, a sum not exceeding twenty-nine thousand seven hundred sixty dollars	29,760 00
4	For clerical assistance in county offices, a sum not exceeding thirteen thousand sixty dollars	13,060 00
4a	For searching, abstracting and indexing old highway and railroad records, a sum not exceeding one thousand nine hundred forty dollars; provided, that no expenditures for this purpose shall be made after December thirty-first in the current year	1,940 00
5	For salaries and expenses of district courts, a sum not exceeding forty-six thousand eighty dollars	46,080 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding forty-one thousand twenty-eight dollars	41,028 00
7	For criminal costs in superior court, a sum not exceeding thirteen thousand dollars	13,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding eleven thousand dollars	11,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding two thousand forty dollars	2,040 00
11	For medical examiners and commitments of insane, a sum not exceeding five thousand five hundred twenty dollars	5,520 00
12	For auditors, masters and referees, a sum not exceeding three thousand six hundred dollars	3,600 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding five thousand four dollars	5,004 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding twenty-one thousand dollars	21,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred thirty-two thousand seven hundred seventy-five dollars	132,775 00
16a	For examination of dams, a sum not exceeding five hundred dollars	500 00
16b	For 1937 highway allotment, a sum not exceeding six thousand twenty-three dollars and forty-eight cents	6,023 48
16c	For Notch and Rockwell roads, in anticipation of reimbursement by the commonwealth, a sum not exceeding ten thousand dollars	10,000 00
17	For law libraries, a sum not exceeding three thousand dollars	3,000 00
18	For the training school, a sum not exceeding one thousand five hundred dollars	1,500 00

Item		
19	For county aid to agriculture, a sum not exceeding eleven thousand seven hundred sixty dollars	\$11,760 00
20	For the sanatorium (Hampshire County), a sum not exceeding ten thousand five hundred dollars	10,500 00
21	For the care and maintenance of Greylock state reservation, a sum not exceeding twelve thousand nine hundred sixty dollars	12,960 00
21a	For the care and maintenance of Mount Everett state reservation, a sum not exceeding two thousand forty dollars	2,040 00
22a	For the contributory retirement system, a sum not exceeding six thousand sixty dollars	6,060 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand five hundred dollars	2,500 00
23a	For unpaid bills of previous years, a sum not exceeding two hundred dollars	200 00
23b	For W. P. A. projects, a sum not exceeding three thousand dollars	3,000 00
23c	For advertising the recreational advantages of the county, a sum not exceeding eight thousand dollars	8,000 00
24	For a reserve fund, a sum not exceeding four thousand dollars	4,000 00
	And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred twenty-nine thousand five hundred twelve dollars and eighteen cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$329,512 18

Bristol County.

1	For interest on county debt, a sum not exceeding five thousand dollars	\$6,000 00
2	For reduction of county debt, a sum not exceeding thirty-five thousand nine hundred twenty-four dollars and twenty-five cents	35,924 25
3	For salaries of county officers and assistants, a sum not exceeding forty-eight thousand five hundred dollars	48,500 00
4	For clerical assistance in county offices, a sum not exceeding forty-eight thousand dollars	48,000 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred nineteen thousand dollars	119,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding seventy-seven thousand dollars	77,000 00
7	For criminal costs in superior court, a sum not exceeding sixty-two thousand dollars	62,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding forty-one thousand five hundred dollars	41,500 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding one thousand five hundred dollars	1,500 00
11	For medical examiners and commitments of insane, a sum not exceeding eighteen thousand dollars	18,000 00
12	For auditors, masters and referees, a sum not exceeding five thousand dollars	5,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding eighteen thousand dollars	18,000 00

Item

15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifty-three thousand dollars	\$53,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding thirty thousand eight hundred dollars	30,800 00
17	For law libraries, a sum not exceeding eight thousand five hundred dollars	8,500 00
18	For the training school, a sum not exceeding five thousand dollars	5,000 00
19	For the agricultural school, a sum not exceeding one hundred fifteen thousand three hundred sixty dollars	115,360 00
22	For non-contributory pensions, a sum not exceeding eleven thousand seven hundred thirty-nine dollars and eighty-seven cents	11,739 87
22a	For the contributory retirement system, a sum not exceeding twenty-five thousand six hundred eighty-two dollars and thirty-five cents	25,618 35
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars	5,000 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00

And the county commissioners of Bristol county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of five hundred forty-two thousand seven hundred eighty-five dollars and sixty-nine cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$542,785 69

Dukes County.

1	For interest on county debt, a sum not exceeding nine hundred dollars	\$900 00
2	For reduction of county debt, a sum not exceeding eight thousand dollars	8,000 00
3	For salaries of county officers and assistants, a sum not exceeding six thousand four hundred dollars	6,400 00
4	For clerical assistance in county offices, a sum not exceeding one thousand eight hundred dollars	1,800 00
5	For salaries and expenses of district courts, a sum not exceeding five thousand eight hundred dollars	5,800 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding two thousand four hundred dollars	2,400 00
7	For criminal costs in superior court, a sum not exceeding one thousand five hundred dollars	1,500 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding one thousand five hundred dollars	1,500 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding three hundred dollars	300 00
11	For medical examiners and commitments of insane, a sum not exceeding five hundred dollars	500 00
12	For auditors, masters and referees, a sum not exceeding three hundred dollars	300 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding one thousand eight hundred dollars	1,800 00

Item

15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding four thousand dollars	\$4,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding eight thousand three hundred fifty dollars	8,350 00
17	For law library, a sum not exceeding three hundred dollars	300 00
19	For county aid to agriculture, a sum not exceeding one thousand dollars	1,000 00
20	For the sanatorium (Barnstable County), a sum not exceeding six thousand dollars	6,000 00
21	For the Gay Head reservation, a sum not exceeding one hundred dollars	100 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding five hundred dollars	500 00
23a	For unpaid bills of previous years, a sum not exceeding six hundred fifty dollars	650 00
23b	For advertising the recreational advantages of the county, a sum not exceeding one thousand dollars	1,000 00
24	For a reserve fund, a sum not exceeding five hundred dollars	500 00
	And the county commissioners of the county of Dukes County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of forty thousand two hundred twenty-seven dollars and forty-four cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$40,227 44

Essex County.

1	For interest on county debt, a sum not exceeding two thousand one hundred dollars	\$2,100 00
2	For reduction of county debt, a sum not exceeding forty-six thousand five hundred dollars	46,500 00
3	For salaries of county officers and assistants, a sum not exceeding sixty-five thousand seven hundred dollars	65,700 00
4	For clerical assistance in county offices, a sum not exceeding one hundred four thousand nine hundred dollars	104,900 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred ninety-eight thousand one hundred dollars	198,100 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety thousand one hundred dollars	90,100 00
7	For criminal costs in superior court, a sum not exceeding seventy thousand dollars	70,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding seventy-six thousand dollars	76,000 00
9	For trial justices, a sum not exceeding five thousand dollars	5,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding two thousand two hundred dollars	2,200 00
11	For medical examiners and commitments of insane, a sum not exceeding sixteen thousand dollars	16,000 00
12	For auditors, masters and referees, a sum not exceeding nineteen thousand dollars	19,000 00

Item

14	For repairing, furnishing and improving county buildings, a sum not exceeding twenty-eight thousand five hundred dollars	\$28,500 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding seventy-four thousand dollars	74,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding two hundred ninety-nine thousand dollars	299,000 00
17	For law libraries, a sum not exceeding eleven thousand five hundred dollars	11,500 00
18	For the training school, a sum not exceeding fifty thousand five hundred dollars	50,500 00
19	For the agricultural school, a sum not exceeding one hundred sixty-eight thousand nine hundred thirty dollars	168,930 00
22	For non-contributory pensions, a sum not exceeding six thousand one hundred twenty-five dollars	6,125 00
22a	For the contributory retirement system, a sum not exceeding forty-five thousand four hundred fifty-two dollars	45,452 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand five hundred dollars	6,500 00
23a	For unpaid bills of previous years, a sum not exceeding two thousand dollars	2,000 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00
	And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one million twenty thousand two hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$1,020,200 00

Franklin County.

1	For interest on county debt, a sum not exceeding eleven thousand four hundred dollars	\$11,400 00
2	For reduction of county debt, a sum not exceeding twenty-five thousand dollars	25,000 00
3	For salaries of county officers and assistants, a sum not exceeding eighteen thousand eight hundred twenty dollars	18,820 00
4	For clerical assistance in county offices, a sum not exceeding seven thousand eight hundred twenty dollars	7,820 00
5	For salaries and expenses of district courts, a sum not exceeding seventeen thousand two hundred dollars	17,200 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-five thousand dollars	25,000 00
7	For criminal costs in superior court, a sum not exceeding ten thousand dollars	10,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding ten thousand dollars	10,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding five hundred dollars	500 00
11	For medical examiners and commitments of insane, a sum not exceeding two thousand two hundred dollars	2,200 00

Item		
12	For auditors, masters and referees, a sum not exceeding one thousand two hundred dollars	\$1,200 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding one thousand five hundred dollars	1,500 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fourteen thousand five hundred dollars	14,500 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding thirty-three thousand dollars	33,000 00
16a	For examination of dams, a sum not exceeding five hundred dollars	500 00
17	For law libraries, a sum not exceeding two thousand eight hundred dollars	2,800 00
19	For county aid to agriculture, a sum not exceeding nine thousand two hundred seventy-five dollars	9,275 00
20	For the sanatorium (Hampshire County), a sum not exceeding eight thousand seventy-eight dollars and one cent	8,078 01
20a	For the Greenfield health camp, a sum not exceeding two thousand dollars	2,000 00
21	For the Mount Sugar Loaf state reservation, a sum not exceeding two thousand four hundred fifty dollars	2,450 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand four hundred fifty dollars	1,450 00
23a	For unpaid bills of previous years, a sum not exceeding three hundred dollars	300 00
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00
And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred sixty-four thousand seven hundred sixty-eight dollars and seventy-eight cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes		\$164,768 78

Hampden County.

1	For interest on county debt, a sum not exceeding forty-one thousand dollars	\$41,000 00
2	For reduction of county debt, a sum not exceeding one hundred twenty-three thousand dollars	123,000 00
3	For salaries of county officers and assistants, a sum not exceeding fifty thousand dollars	50,000 00
4	For clerical assistance in county offices, a sum not exceeding fifty thousand dollars	50,000 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred twenty-five thousand dollars	125,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-two thousand dollars	82,000 00
7	For criminal costs in superior court, a sum not exceeding thirty thousand dollars	30,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding fifty thousand dollars	50,000 00
9	For trial justices, a sum not exceeding two thousand dollars	2,000 00

Item		
10	For transportation and expenses of county and associate commissioners, a sum not exceeding one thousand dollars	\$1,000 00
11	For medical examiners and commitments of insane, a sum not exceeding fifteen thousand dollars	15,000 00
12	For auditors, masters and referees, a sum not exceeding thirty thousand dollars	30,000 00
13	For building county buildings and purchase of land, a sum not exceeding six thousand two hundred dollars	6,200 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding ten thousand dollars	10,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding sixty thousand dollars	60,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred eighty thousand dollars	180,000 00
16a	For examination of dams, a sum not exceeding three thousand dollars	3,000 00
17	For law libraries, a sum not exceeding nine thousand five hundred dollars	9,500 00
18	For the training school, a sum not exceeding thirty-two thousand dollars	32,000 00
19	For county aid to agriculture, a sum not exceeding forty-eight thousand dollars	48,000 00
20	For the sanatorium (Hampshire County), a sum not exceeding sixteen thousand six hundred thirty-one dollars and twenty-one cents	16,631 21
20a	For the preventorium, a sum not exceeding three thousand dollars	3,000 00
20b	For the Westfield state sanatorium, a sum not exceeding eighty thousand dollars	80,000 00
21	For the Mount Tom state reservation, a sum not exceeding twelve thousand six hundred fifty-six dollars and sixty-two cents	12,656 62
22	For non-contributory pensions, a sum not exceeding six thousand four hundred seventy-five dollars	6,475 00
22a	For the contributory retirement system, a sum not exceeding twenty-one thousand five hundred twenty-five dollars	21,525 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand two hundred sixty-two dollars and sixty-three cents	6,262 63
23a	For unpaid bills of previous years, a sum not exceeding one thousand dollars	1,000 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00
And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of seven hundred forty-seven thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes		\$747,000 00

Hampshire County.

1	For interest on county debt, a sum not exceeding three thousand dollars	\$3,000 00
1a	For interest on notes to be purchased and cancelled, a sum not exceeding one thousand four hundred dollars	1,400 00
2	For reduction of county debt, a sum not exceeding thirty thousand five hundred dollars	30,500 00

Item		
2a	For purchase and cancellation of outstanding notes, a sum not exceeding twenty-nine thousand dollars	\$29,000 00
3	For salaries of county officers and assistants, a sum not exceeding twenty-one thousand dollars	21,000 00
4	For clerical assistance in county offices, a sum not exceeding thirteen thousand dollars	13,000 00
5	For salaries and expenses of district courts, a sum not exceeding twenty-eight thousand dollars	28,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-seven thousand dollars	27,000 00
7	For criminal costs in superior court, a sum not exceeding fourteen thousand dollars	14,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding fourteen thousand dollars	14,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding one thousand dollars	1,000 00
11	For medical examiners and commitments of insane, a sum not exceeding three thousand five hundred dollars	3,500 00
12	For auditors, masters and referees, a sum not exceeding four thousand dollars	4,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars	4,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifteen thousand five hundred dollars	15,500 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding ninety-one thousand dollars	91,000 00
16a	For examination of dams, a sum not exceeding five hundred dollars	500 00
17	For law libraries, a sum not exceeding four thousand dollars	4,000 00
19	For county aid to agriculture, a sum not exceeding sixteen thousand five hundred dollars	16,500 00
20	For the sanatorium, a sum not exceeding thirteen thousand dollars	13,000 00
20a	For the preventorium, a sum not exceeding two thousand dollars	2,000 00
21	For state reservations, a sum not exceeding two thousand three hundred dollars	2,300 00
22	For non-contributory pensions, a sum not exceeding two thousand six hundred fifteen dollars	2,615 00
22a	For the contributory retirement system, a sum not exceeding ten thousand dollars	10,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand five hundred dollars	4,500 00
24	For a reserve fund, a sum not exceeding four thousand five hundred dollars	4,500 00
And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred twenty-six thousand eighty-six dollars and sixty-seven cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes		\$226,086 67

Middlesex County.

Item

1	For interest on county debt, a sum not exceeding thirty-eight thousand dollars	\$38,000 00
2	For reduction of county debt, a sum not exceeding two hundred fifty-four thousand dollars	254,000 00
3	For salaries of county officers and assistants, a sum not exceeding eighty-one thousand dollars	81,000 00
4	For clerical assistance in county offices, a sum not exceeding two hundred forty-four thousand five hundred dollars	244,500 00
5	For salaries and expenses of district courts, a sum not exceeding three hundred sixty-six thousand dollars	366,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding three hundred thousand dollars	300,000 00
7	For criminal costs in superior court, a sum not exceeding two hundred fifteen thousand dollars	215,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding one hundred fifty thousand dollars	150,000 00
9	For trial justices, a sum not exceeding one thousand dollars	1,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding two thousand dollars	2,000 00
11	For medical examiners and commitments of insane, a sum not exceeding thirty-five thousand dollars	35,000 00
12	For auditors, masters and referees, a sum not exceeding fifty thousand dollars	50,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding sixty thousand dollars	60,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding one hundred twenty thousand dollars	120,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding three hundred seventy-five thousand dollars	375,000 00
17	For law libraries, a sum not exceeding twelve thousand dollars	12,000 00
18	For the training school, a sum not exceeding seventy-eight thousand dollars	78,000 00
19	For county aid to agriculture, a sum not exceeding forty-two thousand two hundred dollars	42,200 00
21	For Walden Pond state reservation, a sum not exceeding fifteen thousand five hundred dollars	15,500 00
22	For non-contributory pensions, a sum not exceeding twenty thousand dollars	20,000 00
22a	For the contributory retirement system, a sum not exceeding forty thousand dollars	40,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding ten thousand dollars	10,000 00
23a	For unpaid bills of previous years, a sum not exceeding five thousand dollars	5,000 00
24	For a reserve fund, a sum not exceeding twelve thousand dollars	12,000 00

And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two million, one hundred thirty-one thousand, ninety-two dollars and thirteen cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$2,131,092 13

Norfolk County.

Item		
1	For interest on county debt, a sum not exceeding three thousand dollars	\$3,000 00
2	For reduction of county debt, a sum not exceeding fifty-one thousand five hundred forty-four dollars and twelve cents	51,544 12
3	For salaries of county officers and assistants, a sum not exceeding thirty-six thousand seven hundred dollars	36,700 00
4	For clerical assistance in county offices, a sum not exceeding seventy-nine thousand five hundred dollars	79,500 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred forty-two thousand five hundred dollars	142,500 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty thousand dollars	80,000 00
7	For criminal costs in superior court, a sum not exceeding fifty-five thousand dollars	55,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding sixty-five thousand dollars	65,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding one thousand dollars	1,000 00
11	For medical examiners and commitments of insane, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
12	For auditors, masters and referees, a sum not exceeding twelve thousand dollars	12,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding twenty-three thousand dollars	23,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding eighty-three thousand dollars	83,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding fifty-three thousand dollars	53,000 00
17	For law libraries, a sum not exceeding two thousand dollars	2,000 00
18	For the training school, a sum not exceeding nine thousand dollars	9,000 00
19	For the agricultural school, a sum not exceeding ninety-five thousand seven hundred twenty dollars	95,720 00
22	For non-contributory pensions, a sum not exceeding eight thousand seven hundred fifty dollars	8,750 00
22a	For the contributory retirement system, a sum not exceeding fourteen thousand seven hundred fifty dollars	14,750 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand dollars and thirteen cents	7,000 13
23a	For unpaid bills of previous years, a sum not exceeding three thousand dollars	3,000 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00
	And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of five hundred sixty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . .	\$565,000 00

Plymouth County.

Item		
1	For interest on county debt, a sum not exceeding ten thousand eight hundred dollars	\$10,800 00
2	For reduction of county debt, a sum not exceeding thirty-seven thousand six hundred twenty dollars	37,620 00
3	For salaries of county officers and assistants, a sum not exceeding thirty thousand eight hundred dollars	30,800 00
4	For clerical assistance in county offices, a sum not exceeding twenty-seven thousand dollars	27,000 00
5	For salaries and expenses of district courts, a sum not exceeding seventy-seven thousand four hundred dollars	77,400 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred thousand dollars	100,000 00
7	For criminal costs in superior court, a sum not exceeding thirty-six thousand five hundred dollars	36,500 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding twenty-five thousand dollars	25,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding two thousand two hundred dollars	2,200 00
11	For medical examiners and commitments of insane, a sum not exceeding six thousand dollars	6,000 00
12	For auditors, masters and referees, a sum not exceeding seven thousand six hundred dollars	7,600 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding fourteen thousand six hundred dollars	14,600 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding twenty-nine thousand dollars	29,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred twenty thousand dollars	120,000 00
16a	For examination of dams, a sum not exceeding one thousand dollars	1,000 00
17	For law libraries, a sum not exceeding three thousand dollars	3,000 00
18	For the training school, a sum not exceeding five thousand dollars	5,000 00
19	For county aid to agriculture, a sum not exceeding twenty-four thousand six hundred dollars	24,600 00
22	For non-contributory pensions, a sum not exceeding three thousand seven hundred dollars	3,700 00
22a	For the contributory retirement system, a sum not exceeding twelve thousand four hundred dollars	12,400 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand three hundred ninety-two dollars and sixty-seven cents	2,392 67
23a	For unpaid bills of previous years, a sum not exceeding five hundred forty-seven dollars and thirty-three cents	547 33
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00
	And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of four hundred forty-nine thousand seven hundred sixty dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$449,760 00

Worcester County.

Item		
1	For interest on county debt, a sum not exceeding two thousand dollars	\$2,000 00
3	For salaries of county officers and assistants, a sum not exceeding fifty-eight thousand nine hundred sixty dollars	58,960 00
4	For clerical assistance in county offices, a sum not exceeding eighty-seven thousand six hundred dollars	87,600 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred seventy-three thousand seven hundred eighty dollars	173,780 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred thousand five hundred ninety dollars	100,590 00
7	For criminal costs in superior court, a sum not exceeding sixty-five thousand dollars	65,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding seventy thousand dollars	70,000 00
9	For trial justices, a sum not exceeding one thousand dollars	1,000 00
10	For transportation and expenses of county and associate commissioners, a sum not exceeding three thousand four hundred fifty dollars	3,450 00
11	For medical examiners and commitments of insane, a sum not exceeding twenty-two thousand dollars	22,000 00
12	For auditors, masters and referees, a sum not exceeding thirty-five thousand dollars	35,000 00
13	For building county buildings and purchase of land, a sum not exceeding twenty-two thousand dollars	22,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding thirty-five thousand one hundred twenty-five dollars and fifty-two cents	35,125 52
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding seventy-five thousand dollars	75,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding three hundred sixty thousand dollars	360,000 00
17	For law libraries, a sum not exceeding thirteen thousand three hundred twenty dollars	13,320 00
18	For the training school, a sum not exceeding twenty-three thousand one hundred dollars	23,100 00
19	For county aid to agriculture, a sum not exceeding forty-two thousand dollars	42,000 00
20a	For the preventorium, a sum not exceeding three thousand dollars	3,000 00
21	For state reservations, a sum not exceeding twenty-three thousand dollars	23,000 00
22	For non-contributory pensions, a sum not exceeding five thousand dollars	5,000 00
22a	For the contributory retirement system, a sum not exceeding thirty-three thousand dollars	33,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand three hundred sixteen dollars and forty-eight cents	7,316 48
23a	For unpaid bills of previous years, a sum not exceeding two thousand dollars	2,000 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00
And the county commissioners of Worcester county are hereby authorized to levy as the county tax of		

said county for the current year, in the manner provided by law, the sum of one million forty-six thousand two hundred sixty-seven dollars and eighty-six cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$1,046,267 86

SECTION 3. No salary increase payable from appropriations herein authorized shall become effective prior to July first in the current year and no such increase shall be retroactive to a date prior to said July first.

Approved June 22, 1938.

AN ACT REQUIRING CONTRACTORS ON PUBLIC BUILDINGS AND OTHER PUBLIC WORKS TO PROVIDE AND CONTINUE IN FORCE, DURING THE FULL TERM OF THE CONTRACT, INSURANCE UNDER THE WORKMEN'S COMPENSATION LAW, SO CALLED.

Chap. 438

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section thirty-four, as amended, the following new section: — *Section 34A*. Every contract for the construction, alteration, maintenance, repair or demolition of, or addition to, any public building or other public works for the commonwealth or any political subdivision thereof shall contain stipulations requiring that the contractor shall, before commencing performance of such contract, provide by insurance for the payment of compensation and the furnishing of other benefits under chapter one hundred and fifty-two to all persons to be employed under the contract, and that the contractor shall continue such insurance in full force and effect during the term of the contract. No officer or agent contracting in behalf of the commonwealth or any political subdivision thereof shall award such a contract until he has been furnished with sufficient proof of compliance with the aforesaid stipulations. Failure to provide and continue in force such insurance as aforesaid shall be deemed a material breach of the contract and shall operate as an immediate termination thereof. No cancellation of such insurance, whether by the insurer or by the insured, shall be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the officer or agent who awarded the contract at least fifteen days prior to the intended effective date thereof, which date shall be expressed in said notice. Notice of cancellation sent by the party proposing cancellation by registered mail, postage

G. L. (Ter.
Ed.), 149,
new section
34A, added.

Contracts for
public works
to provide
insurance
under work-
men's com-
pensation law
during term
of contract.

prepaid, with a return receipt of the addressee requested, shall be a sufficient notice. An affidavit of any officer, agent or employee of the insurer or of the insured, as the case may be, duly authorized for the purpose, that he has so sent such notice addressed as aforesaid shall be prima facie evidence of the sending thereof as aforesaid. This section shall apply to the legal representative, trustee in bankruptcy, receiver, assignee, trustee and the successor in interest of any such contractor. The superior court shall have jurisdiction in equity to enforce this section.

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for six months, or both; and, in addition, any contractor who violates any provision of this section shall be prohibited from contracting, directly or indirectly, with the commonwealth or any political subdivision thereof, for the construction, alteration, demolition, maintenance or repair of, or addition to, any public works or public building for a period of two years from the date of conviction of said violation.

Approved June 22, 1938.

Chap. 439 AN ACT REVISING THE LAWS RELATIVE TO THE STATE RETIREMENT SYSTEM, AND MAKING OTHER CHANGES IN THE LAWS RELATIVE TO RETIREMENT SYSTEMS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32, §§ 1
to 5, amended,
and new sec-
tions 1 to 5A,
inserted.

SECTION 1. Chapter thirty-two of the General Laws is hereby amended by striking out sections one to five, inclusive, as appearing in the Tercentenary Edition, and as subsequently amended, and inserting in place thereof the sixteen following sections:— *Section 1.* The following words and phrases as used in sections one to five A, inclusive, unless a different meaning is plainly required by the context, shall have the following meanings:—

Definitions.

“Accumulated assessments”, the sum of all the amounts deducted from regular compensation of a member and standing to his credit in the annuity savings fund, and regular interest.

“Actuarial equivalent”, a benefit of equal value, when computed upon the basis of such mortality tables and interest as shall be prescribed under section thirty-four.

“Annuity”, annual payments for life derived from accumulated assessments of a member.

“Annuity reserve”, the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables and interest as shall be prescribed under section thirty-four.

“Application”, in sections four to four F, inclusive, a written application made by the member; or, if he is incompetent, by his wife, guardian or conservator.

“Beneficiary”, any person in receipt of a pension, annuity, retirement allowance or other benefits as provided in sections one to five A, inclusive.

“Board”, the retirement board provided in section eighteen of chapter ten to administer the retirement system.

“Bodily injury”, harm arising from corporeal contact, or, as the board may find, an aggravated pathological condition arising from such corporeal contact.

“Constitutional officers”, the governor, lieutenant governor, members of the governor’s council, state secretary, state treasurer, state auditor and attorney general.

“Creditable service”, prior service plus membership service for which credit is allowable as hereinafter provided.

“Employee”, any person, whether appointed or employed for a stated term or otherwise, whose duties are such, except as applied to an employee of the general court, as to require that his time be devoted to the service in each year during the ordinary working hours of regular and permanent employees and who is permanently and regularly employed in the service of, and whose salary or compensation is paid by, the commonwealth or the metropolitan district commission, including employees of the general court as hereinafter defined, but excluding a constitutional officer, member of the general court, person elected by popular vote, member of the judiciary, assistant attorney general or an official as hereinafter defined who does not exercise the option set forth in paragraph (4) of section two.

“Employees of the general court”, secretaries to the president of the senate and the speaker of the house of representatives, and their clerical assistants; counsel to the senate and the house of representatives, their assistants and clerical assistants; clerks of the senate and the house of representatives, their assistants and clerical assistants; the sergeant-at-arms and his assistant, doorkeepers, general court officers, pages and employees of the legislative document room.

“Equal”, as nearly equal as may be.

“Hazard”, exposure to severe and extraordinary climatic conditions, escaping gases, bursting of gas mains, explosions, infectious diseases and such other circumstances as the board may find could not have been reasonably anticipated by an employee in the discharge of his regular duties.

“Head of a department”, when used to denote the authority having the power to apply for and recommend the retirement of a member, the governor, the board, commission, committee of the general court, commissioner, superintendent or other person having executive control over the department, commission, institution, board or office in which such member is employed.

"Interest", interest at three per cent compounded annually but not including additional interest as defined in the definition "regular interest".

"Maximum age", age sixty-five for a member classified in Group 1 as set forth in paragraph (14) of section two; and age seventy for a member classified in Group 2 of said paragraph.

"Member", any employee included in the system or a person who was eligible for a superannuation retirement benefit on the date of termination of service.

"Membership service", service as an employee rendered since June first, nineteen hundred and twelve, for which credit is allowable under sections one to five A, inclusive.

"Official", a person appointed by the governor to a position in the service of the commonwealth or metropolitan district commission, except a member of the judiciary.

"Pension", annual payments for life derived from contributions made by the commonwealth and paid in equal monthly instalments.

"Prior service", service rendered prior to June first, nineteen hundred and twelve, for which credit is allowable as provided in sections one to five A, inclusive.

"Regular compensation", the annual compensation lawfully determined for individual service, excluding bonus or overtime payments, but including such allowances for other compensation not paid in cash as are provided for in paragraph (1) (b) of section five A.

"Regular interest", interest at three per cent per annum compounded annually as of December thirty-first in each year on the sum, not including fractions of a dollar, standing to the credit of a member in the annuity fund on December thirty-first of the preceding year, plus interest at the same rate on any sums, not including fractions of a dollar, which shall have been deposited by him during the six-month period preceding July first of the then current year, provided, that if the actual net interest earned on the reserves of the system be more than three per cent, the rate may be fixed by the board from time to time to correspond substantially with the rate of interest actually earned by the funds.

"Retirement allowance", the sum of the annuity and the pension.

"Service", service as an employee in the several branches of the state government for which compensation is paid by the commonwealth or the metropolitan district commission.

"The system" or "this system", a contributory retirement system established under sections one to five A, inclusive, for employees of the commonwealth and the metropolitan district commission.

MEMBERSHIP.

Membership.

Section 2. The membership of the system shall be composed of the following persons as set forth in paragraphs (1)

to (12), inclusive, of this section, subject to the conditions set forth in paragraphs (13) to (18), inclusive, hereof:

(1) (a) All persons who are now members of the state retirement system, established on January first, nineteen hundred and twelve; and

(b) Employees who, having entered the service prior to January first, nineteen hundred and twelve, and not having become members of the state retirement system, make application in writing for membership before attaining the maximum age for the group in which they are classified as set forth in paragraph (14) of this section and deposit with said application not less than one hundred dollars to open their accounts, and pay into the annuity savings fund in one sum an amount equal to the total assessments which they would have paid and the interest which would have been credited to their accounts if they had become members on June first, nineteen hundred and twelve, and had contributed five per cent of their regular compensation not exceeding the maximum regular compensation then subject to assessment, from said date to the time of such application, and such assessments had been accumulated with interest, or who pay said amount, before attaining age sixty, in such instalments as may be fixed by the board with interest for the term during which such instalments shall be paid. Employees subject to this paragraph may, with the approval of the board, temporarily suspend such instalments, but the total amount of such instalments as have been paid, with interest, shall be retained until termination of service; provided, that such employees shall continue payment of regular assessments as if members of the system. Such employees shall be treated as members of the system only to the extent that their payments are completed, and instalment payments hereunder shall be considered to apply anteriorly from the date of the first of such payments. An employee who has paid only a portion of such instalments shall, upon attaining the maximum age for the group in which he is classified under said paragraph (14) of this section nevertheless thereupon be retired for superannuation; but in such case the retirement allowance shall be computed only on the basis of his annuity plus a pension equal thereto and he shall receive no credit for any prior service, nor shall any minimum otherwise provided apply in such case.

(2) All persons who resign positions in the service under which they had inchoate rights to non-contributory pensions under this chapter or corresponding provisions of earlier laws, or any other general or special law, to accept positions subject to sections one to five A, inclusive, irrespective of age, if under the maximum age for the group in which they are classified as set forth in paragraph (14) of this section.

(3) All persons holding regular positions, except constitutional officers, members of the general court, members of

the judiciary, registers of probate, officials who do not exercise the option set forth in paragraph (4) of this section, temporary-provisional, temporary, temporary-recurrent or part time employees and the employees mentioned in paragraph (5) of this section, and except as provided in section thirty-seven D, under age fifty-five on the date of entry into the service who have completed ninety days of service. This paragraph shall apply to persons holding permanent positions under chapter thirty-one, notwithstanding the provisions of said chapter and the rules and regulations established under it relative to probationary periods of employment.

(4) Officials under age fifty-five on the date of appointment, who, at their option, make written application to the board for membership in the system within one year of the date upon which they assume the duties of said positions; and, if said option is exercised, they shall, upon re-appointment, or appointment to other official positions or any other positions, remain in the system. Members of the system who become officials shall not thereby cease to be members.

(5) Persons in the service at any institution or school in the department of mental diseases, the department of public health, the department of public welfare or at the state farm, whose employment is not subject to chapter thirty-one and the rules and regulations made thereunder, shall become members after completing one year of service, unless they shall sooner become members following an application in writing for membership. The pertinent provisions of paragraph (3) of this section shall apply to persons in the service of such institutions whose employment is subject to chapter thirty-one.

(6) Employees, except as otherwise provided in this paragraph, whether or not any portion of their compensation has been, now is or hereafter shall be paid in part by a county having a retirement system. Such employees shall be assessed on their combined regular compensation, and the annuity assessments payable from each source of payment shall be in the same proportion that each salary bears to the combined salary, but shall not exceed the maximum regular compensation then subject to annuity assessments. Upon notice from the board, the county treasurer shall deduct the proper annuity assessments of an employee and shall transfer such amounts as are deducted to the board in accordance with such rules and regulations as may be prescribed by it, and such amounts when received by the board shall be immediately credited to the accounts of the members so contributing in the annuity savings fund. The foregoing provisions shall apply in Suffolk county only to persons so paid, who on the date of employment received not less than one half of their combined regular compensation from the commonwealth, and such employees, after becoming members of the system, shall remain members

while receiving combined compensation from the commonwealth and said county, regardless of the proportion of the total compensation thereafter paid by the commonwealth. No such employee shall be eligible for membership in any county retirement system while receiving any part of his compensation from the commonwealth; provided, that if a member of such other system shall receive a part of his regular compensation from the commonwealth his membership and his account in such other system shall thereupon be transferred to this system under the provisions of section thirty-seven D.

(7) Employees, except teachers, in practice or training schools, so-called, controlled and maintained by the department of education in buildings owned by the commonwealth.

(8) Teachers regularly employed in state teachers' colleges who devote a part of their time to practice or training school work.

(9) Subject to section nineteen, persons principally employed by the commonwealth who are also teachers in the public schools as defined in section six.

(10) (a) Subject to section thirty-seven D, persons entering the service after terminating employment with a county, city or town, or as a teacher in such public schools; and

(b) Employees, formerly members of the teachers' retirement system established under this chapter or corresponding provisions of earlier laws, or a county, city or town retirement system or association established under general or special law and maintained by public funds, who irrespective of age at the time of entry into the service were not entitled to the benefits conferred by section thirty-seven D or corresponding provisions of earlier laws; provided, that (1) they entered the service within ninety days after terminating their employment as teachers, or by the county, city or town, that (2) they make written application for membership before attaining the maximum age for the group in which they are classified as set forth in paragraph (14) of this section, that (3) they pay to the board the amounts of their accounts in any such system or association if such have been withdrawn, together with interest on such amounts from the date of entry into the service of the commonwealth or of the metropolitan district commission, and that (4) they pay to the board such amounts as they would have paid if they had joined the system on such date of entry into the service, with interest thereon to the date of admission to membership. If any such employee has not withdrawn his account in such other system or association, the treasurer thereof shall transmit the amount of such account to this system forthwith upon notice from the board and it shall be credited to the account of such member in the annuity savings fund of this system as of the date of his admission to membership therein.

(11) Persons, irrespective of age, who became or shall become employees by reason of the taking over by the commonwealth or the metropolitan district commission of any institution, or of any public or quasi-public enterprise controlled and operated by a political sub-division of the commonwealth or a corporation, except persons employed by the metropolitan district water supply commission, established by chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, and any inchoate right of any such person to a non-contributory pension shall thereupon cease. In case of the taking over by the commonwealth or the metropolitan district commission of the powers and duties of said metropolitan district water supply commission, any employee thereof at the time of said taking who was under age fifty-five on the date of initial employment if under the maximum age for his group may become a member of the system upon the payment of an amount computed in the manner provided by paragraph (1) (b) of this section, and the period of his employment by said commission shall be a part of his membership service.

(12) Paragraph (3) of this section to the contrary notwithstanding, the board may classify as an employee any person who is employed by the commonwealth or metropolitan district commission, including employees of the general court, on a temporary-provisional, temporary, temporary-recurrent, part time or seasonal basis but not including those referred to in paragraph (5) of this section who shall have completed continuous or intermittent service of not less than twelve months in a period of twenty-four months from the date of employment, and he shall thereupon become a member of the system, if then in active service; provided, that he was under age fifty-five on the date of employment used to compute eligibility for membership, and is under the maximum age for his group. Each such person terminating a period of such service shall remain in the system for a period of seven months from the date on which his service was last terminated, if then under the maximum age for his group but if the board finds that such employment is permanently terminated, a refund may be made as hereinafter provided. Said board may also classify as an employee any employee of the general court not subject to the first sentence of this paragraph and he shall thereupon become a member of the system if in active service on June thirtieth, nineteen hundred and thirty-eight.

(13) Department heads shall furnish the board, within thirty days from the receipt of a request therefor, with the names, titles, compensation, duties, dates of birth and length of service of all employees in their department.

(14) The board shall place each member of the system in one of the following groups:

Group 1. — Members of the police force of the metropolitan district commission; employees of the department of correction, regardless of any official classification, whose reg-

Groups.

ular duties require them to have the care and custody of prisoners including insane persons and defective delinquents at the state farm; and conservation officers paid as such, district fire wardens and coastal wardens in the department of conservation.

Group 2. — Officials and all other employees not included in Group 1.

(15) Members of the system shall, upon attaining the maximum age for the group in which they are classified as set forth in paragraph (14) of this section, be retired from the service for superannuation.

(16) Every employee who entered or re-entered the service after January first, nineteen hundred and twelve, and who on the date of initial employment was age fifty-five or over, shall be removed from the service upon attaining the maximum age for the group in which he would be classified under paragraph (14) of this section. This paragraph shall not apply to an official not exercising the option provided under paragraph (4) of this section.

(17) Except as limited by paragraph (2) of section three and by paragraph (3) (c) of section five A, a member who is ineligible for retirement at the beginning of a period of absence from service may have and retain all rights as a member, including the right to retire if thereafter eligible, for a period of two years. Such member may allow his accumulated deductions to remain in the annuity savings fund until such time as his total period or periods of absence, during six consecutive years from the date of the commencement of his first period of absence amount to five years; whereupon the account of any such person in the annuity savings fund shall be paid to him in the manner provided in said paragraph (3) of said section five A, and he shall not thereafter be eligible for reinstatement in the system in case of re-entry into the service, but if then under age fifty-five shall have the status of an employee originally entering the service.

(18) A member who is eligible to a superannuation retirement benefit at the beginning of a period of absence from service shall remain a member of the system, except that he shall not be liable to contribute to the annuity savings fund, and when he attains the maximum age for his group he shall then be retired; provided, that any such member under said maximum age may retire on his own application with a retirement allowance computed at his attained age without being reinstated in active service.

REINSTATEMENT.

Section 2A. A former member, who re-entered or re-enters the service within five years from the date of his last separation therefrom, may be reinstated in the system upon paying to the board in one sum the amount which he withdrew upon the date of his last said separation, or upon

Reinstatement.

paying said amount in not more than sixty equal consecutive monthly instalments and interest thereon during such term; and, when so reinstated, he shall be credited with the prior and membership service which was a part of his creditable service on said date of separation. The intervening period shall not be deemed to interrupt the continuity of service, but it shall not be counted as creditable service. The age limit specified in sections one to five A, inclusive, shall not apply to former members who apply for reinstatement; provided, that a member classified in Group 1 under paragraph (14) of section two shall not be eligible for reinstatement after attaining age sixty and a member classified in Group 2 under said paragraph shall not be eligible for reinstatement after attaining age sixty-five. No member so reinstated shall be eligible to be retired for superannuation or ordinary disability unless he shall have been in the service for five consecutive years, including any period or periods of leave of absence credited as membership service, subsequent to his last re-entry.

CREDITABLE SERVICE.

Creditable
service.

Section 3. (1) Except as otherwise provided in sections one to five A, inclusive, a member shall be credited with all membership service and prior service rendered by him; provided, that in no case shall he be credited with more than one year of creditable service for all service rendered during any one calendar year.

(2) Creditable service, in case a member has not withdrawn from the system, shall include any period or periods of continuous absence of not exceeding one year in any instance, if he is thereafter reinstated in active service; provided, that in no case shall more than one year of creditable service be credited for total absence in excess of one year in any period of five consecutive years.

(3) Except as hereinafter provided, the creditable service of a person who became a member of the association under section one of chapter three hundred and ten of the acts of nineteen hundred and thirteen or section one of chapter one hundred and sixty-four of the General Acts of nineteen hundred and sixteen shall not include the period between June first, nineteen hundred and twelve, and the date such person became a member; but, if such member shall pay or shall have paid in one sum an amount equal to that which he would have paid as annuity assessments at five per cent during such period of service plus interest to the date of payment, his service during said period shall become a part of his creditable service.

(4) If the total creditable service of a member shall exceed the service required to provide the maximum pension benefit as set forth in paragraph (2) (d) of section four, the period of service required to provide such maximum benefit shall be computed anteriorly of the date of retirement.

(5) A person who became or becomes an employee by reason of the taking over by the commonwealth or the metropolitan district commission of any institution, or of any public or quasi-public enterprise, controlled and operated by a political sub-division of the commonwealth or a corporation, except a person employed by the metropolitan district water supply commission who does not exercise the option authorized by paragraph (11) of section two, shall be credited with service which would have been creditable service had it been rendered under sections one to five A, inclusive, or corresponding provisions of earlier laws. This paragraph shall not apply to any such employee who was eligible to and did not join a contributory retirement system or association established under this chapter or corresponding provisions of earlier laws, or any other general or special law, or to any such employee who was formerly a member of any such system or association, unless he shall pay all sums which he withdrew from such system or association into the annuity fund of this system or unless his account has been transferred to this system.

(6) A member, formerly employed as a teacher in a public school, as defined in section six, shall be credited as a part of his creditable service with all periods of employment as such teacher prior to his entering the service. This paragraph shall not apply to an employee who entered the service after July first, nineteen hundred and fourteen, who had the option to join, and did not join, the teachers' retirement system or association established under section seven or corresponding provisions of earlier laws; nor to any such employee who was a member of such association unless the full amount of his account has been transferred to this system, as provided in section thirty-seven D, or corresponding provisions of earlier laws, or, if he has withdrawn his account from such system or association and entered the service within five years from the date of his termination of employment as such teacher, unless he has paid or shall pay to the board in the manner provided in section two A the amount which he withdrew therefrom.

(7) A member, who entered the service within ninety days after separation from the service of a county, city or town having a contributory retirement system or association established under this chapter or corresponding provisions of earlier laws, or any other general or special law, shall be credited with all periods of service for which he was credited as a member of such association or system, and such service shall be counted as a part of his creditable service under sections one to five A, inclusive. This paragraph shall not apply to any such employee unless the full amount of his account in such association or system has been transferred to the state treasurer as provided in paragraph (10) (b) of section two or in section thirty-seven D, or corresponding provisions of earlier laws, or, if said employee has withdrawn his account in such system or association, unless he has

repaid or shall repay it to or has reinstated or shall reinstate it in the annuity fund of this system. Upon such transfer or re-payment, said employee shall become a member of this system.

(8) Subject to paragraph (6) of section two, an employee who has received or shall receive regular compensation paid jointly by the commonwealth and a county, and who is, at the time of his retirement, paid either jointly by the commonwealth and by a county, or wholly by the commonwealth, as the case may be, while continuing to hold the same position, shall be credited as creditable service in this system with all such employment. The pension for such periods of creditable service shall be computed in the same manner as provided in paragraph (5) of section four. Such pension shall be paid from the funds of this system subject to reimbursement as provided in paragraph (11) of section five A.

(9) All periods of service prior to June first, nineteen hundred and twelve, rendered by employees who have been members of the system since that date or by persons who are classified as employees by the board under paragraph (12) of section two, shall, notwithstanding any provisions to the contrary in this chapter, be a part of their creditable service. In computing the pension for prior service of any such employee the annuity assessment shall be credited with interest from the date upon which said prior service began to the date of retirement, including any period of absence between said dates; but said absence, while not to be deemed to interrupt the continuity of service, shall not be counted as creditable service.

(10) The period during which a member of the system served in the army, navy or marine corps of the United States during the world war shall be credited as membership service; provided, that such member re-entered the service prior to November eleventh, nineteen hundred and twenty, or that he withdrew from said system and within ten days thereafter enlisted or was inducted into said army, navy or marine corps, and re-entered the service after discharge or release from such service and before said November eleventh, nineteen hundred and twenty, and reinstated his membership in the manner provided in section two A.

(11) Employees of the general court shall be credited with one year of creditable service for services rendered by them during an annual session of the general court, or, if required to give full time service throughout the year, for such full time service; provided, that employees of the general court who are not required to render service throughout the whole of a year, and who while the general court is not in session are employed by any department of the government of the commonwealth or by the metropolitan district commission, shall not be credited with more than one year of creditable service for all service so rendered during any one calendar year. Annuity assessments shall be made from the total compensation received by them during the

year from the commonwealth and the metropolitan district commission, but shall not exceed the maximum assessments provided under sections one to five A, inclusive.

SUPERANNUATION RETIREMENT.

Conditions for Allowance.

Section 4. (1) (a) Subject to sections two A, four G and four H, a member shall be retired for superannuation in not less than thirty nor more than ninety days after he has filed with the board an application therefor; provided, either that he has completed thirty-five years of creditable service, or that he has attained age sixty and has completed not less than fifteen years of creditable service. Conditions for allowance

(b) Except as otherwise provided in paragraph (1) (c), a member shall be retired for superannuation upon attaining age seventy; and on and after January first, nineteen hundred and forty, a member classified in Group 1 as set forth in paragraph (14) of section two shall be so retired upon attaining age sixty-five.

(c) A member, regardless of his official classification, employed in a school or college in the department of education and acting as an instructor or supervisor of instruction of classes conducted during a school year or term, shall be retired on the first day of July next following the date on which age seventy is attained, but any such member attaining said age in July, August or September shall thereupon be retired.

(d) A member may be retired for superannuation on the recommendation of the head of his department, or after discharge or resignation, as provided in section thirty-seven C.

Amount of Allowance.

(2) Upon retirement for superannuation a member shall, subject to paragraph (2) (d) of this section and to sections four G and four H, receive a retirement allowance to consist of the following: — Amount of allowance.

(a) The life annuity set forth in section four G;

(b) A pension equal to the life annuity set forth in paragraph (1) (a) of section four G; provided, that said pension shall not exceed the amount of the annuity purchasable at his attained age or at the maximum age of the group in which he is classified as set forth in paragraph (14) of section two, whichever is the lesser, by the sum which at age sixty would purchase a life annuity of six hundred and fifty dollars; and provided, further, that such pension shall not exceed one third of the average annual rate of compensation received by him during the five-year period immediately prior to the termination of his creditable service; and

(c) If he is credited with creditable periods of prior service, an additional pension equal to the life annuity payable under paragraph (1) (a) of said section four G at his at-

tained age or at the maximum retirement age of the group in which he has been classified under said paragraph (14) of section two, whichever is the lesser; and the amount thereof shall be computed on the basis of an assessment of ten per cent on his annual rate of compensation, not exceeding fifty dollars per week, as paid to him on June first, nineteen hundred and twelve, or on the last day of employment preceding said date if not employed on that date, during such periods of creditable prior service, and accumulated with interest to the date of his retirement.

(d) The value of the total amount of the pensions provided in paragraphs (2) (b) and (2) (c) of this section, when added to the sum required to purchase the life annuity set forth in paragraph (1) (a) of section four G, or to purchase a life annuity of six hundred and fifty dollars at age sixty, whichever is the lesser, shall not exceed the sum which is required to purchase at age sixty a retirement allowance of thirteen hundred dollars. No pension, except as hereinafter provided, shall exceed one half the average annual rate of the regular compensation of the member for the five-year period immediately prior to the termination of creditable service, or the actuarial equivalent of the sum required to purchase a life annuity of thirteen hundred dollars, whichever is the lesser; and no retirement allowance shall exceed two thirds of said average annual rate of regular compensation, unless the annuity exceeds one third of said average annual rate, in which case the total pensions shall not exceed the maximum pension provided in said paragraph (2) (b). The retirement allowance in all cases shall be computed on the basis of the annuity under said paragraph (1) (a) of section four G; provided, that a member (1) who has completed not less than twenty years of creditable service, or (2) who is retired at age sixty-five or over, or (3) who is classified in Group 1 as set forth in paragraph (14) of section two and who is retired at age sixty or over, shall receive a total retirement allowance of not less than four hundred and eighty dollars when so computed; and provided, further, that if a member elects the annuity under paragraph (1) (b) of section four G the amount of his minimum retirement allowance shall be reduced to the extent of the difference between the amount of annuity provided under paragraph (1) (a) and the annuity under paragraph (1) (b) of said section four G, except that, in cases where the average annual rate of regular compensation for the five-year period immediately prior to the date of retirement is less than four hundred and eighty dollars, the total retirement allowance shall be equal to, but not in excess of, the amount of such annual rate of compensation; and provided, further, that the pension of any person who became a member of the system prior to June thirtieth, nineteen hundred and thirty-eight, shall in no case be reduced by this paragraph or paragraph (2) (b) of this section to an amount less than the amount to which such person would

have been entitled as a pension if sections one to five, inclusive, in effect immediately prior to said June thirtieth, had been in effect at the date of his retirement.

(e) In addition to the retirement allowance hereinbefore provided for superannuation, a member classified in Group 1 as set forth in paragraph (14) of section two who retires between age sixty and sixty-five, both inclusive, with twenty or more years of creditable service in said group prior to attaining such age shall receive a pension sufficient to provide a retirement allowance equal to that to which he would have been entitled if he had remained in the service for a period of five years beyond his actual age on the date of retirement, and had contributed to the annuity fund on the basis of his rate of regular annual compensation on the date of retirement and his account had been credited with interest. In case a member so classified retires at an age over sixty-five, such pension shall be sufficient to provide a retirement allowance equal to that to which he would have been entitled if he had remained in the service until attaining age seventy and his account had been credited as aforesaid during the years intervening between said ages.

(3) A person employed by the commonwealth or the metropolitan district commission who, at any time after January first, nineteen hundred and twelve, resigned a position wherein he had an inchoate right to a non-contributory pension under any provision of this chapter or corresponding provisions of earlier laws, or any other general or special law, or a person who resigns such a position to accept a position the holding of which necessitates membership in this system, shall receive on retirement, in addition to the retirement allowance otherwise provided, such additional pension as would have resulted from annuity assessments of ten per cent of his regular compensation, but not exceeding the maximum amounts from time to time subject to such assessments, during the period from June first, nineteen hundred and twelve, or from the date of original employment, whichever is the later date, to the date when he became a member of the system, with interest to the date of retirement, if the sum of such assessments were computed as an annuity under paragraph (1) (a) of section four G; provided, that, in the case of a member classified in Group 1 as set forth in paragraph (14) of section two, interest shall be credited for an additional period of five years for such member if retired at age sixty to sixty-five or for such period as represents the difference between the actual age of the member and age seventy if retired at any age over sixty-five; and provided, further, that the aggregate additional pensions provided by this section and the pensions provided by sub-paragraph (2) (b) and (2) (c) of this section shall not exceed the maximum pension or retirement allowance provided in sub-paragraph (2) (d) of this section.

(4) A person who became or becomes a member by reason of the taking over by the commonwealth or the metropoli-

tan district commission of any institution, or of any public or quasi-public enterprise, controlled and operated by a political sub-division of the commonwealth or a corporation, and who was not eligible for membership in a contributory retirement system or association established under any provision of this chapter or corresponding provisions of earlier laws, or any other general or special law, and supported by public funds, shall receive upon retirement, in addition to the pensions otherwise provided in this section, a pension which shall be equal to the annuity provided in paragraph (1) (a) of section four G based upon an assumed assessment of ten per cent of the regular compensation received by him from such institution, public or quasi-public enterprise or corporation, but not exceeding the maximum amounts from time to time subject to assessment, during the period from June first, nineteen hundred and twelve, or the date upon which he entered the employment thereof, whichever is the later date, to the date upon which he became a member, with interest to the date of his retirement, or, in case of a member classified in Group 1 as set forth in paragraph (14) of section two, to the date of the expiration of the five-year period following the date of his retirement if he retires at age sixty to sixty-five, or, if he retires at any age over sixty-five, to the date upon which he shall attain age seventy, as the case may be; provided, that the aggregate of this pension, the annuity and pensions otherwise provided shall not exceed the maximum pension or retirement allowance provided in paragraph (2) (d) of this section.

(5) A member credited with a period of service for a county, city or town, or as a teacher in the public schools as defined in section six which became a part of his creditable service for the commonwealth or the metropolitan district commission, if his account in any county, city or town, or teachers' retirement system or association, established under this chapter or corresponding provisions of earlier laws, or any other general or special law, and supported by public funds, has been transferred to this system, or if he withdrew from any such system or association and has been reinstated in this system, shall receive upon his retirement, in addition to the pensions otherwise provided in this section, a pension for such period of service for such county, city or town, or as such a teacher, rendered prior to June first, nineteen hundred and twelve, which pension shall be computed in the manner provided in paragraph (2) (c) of this section; and such member shall also receive upon his retirement a further pension computed on the basis of an assumed assessment of ten per cent of the regular compensation received by him for services rendered to such county, city or town, or as such a teacher, but not exceeding the maximum amounts from time to time subject to assessment, during the period subsequent to said June first and prior to the date of his becoming a member of any such retirement system or association, and accumulated with interest

to the date of his retirement; provided that the aggregate of such additional pension, together with the annuity and pensions otherwise provided, shall not exceed the maximum pension or retirement allowance provided in paragraph (2) (d) of this section.

Section 4A. Where husband and wife are members of the system, if one of the two retires or is retired the other may, irrespective of age and service on the date of such retirement, be retired upon his or her application if the board finds that the retirement will be for the good of the service, and, if so retired, such other shall be paid the retirement allowances computed in the manner provided in paragraph (2) of section four; provided, that the minimum allowance provided in paragraph (2) (d) of said section four shall not apply to a member whose retirement allowance is granted under this paragraph, but the maximum pension provided in said last mentioned paragraph shall apply thereto.

Husband and wife may retire at same time.

Section 4B. For the purpose of determining the average annual rate of regular compensation, the rate of regular compensation received on the date immediately preceding a period of absence without pay shall be used as the rate of regular compensation for the period of creditable service without pay, provided that in case a member resigned or was separated from service through no fault of his own prior to the effective date of retirement, the period to be used in determining said average annual rate shall be the five years immediately prior to the termination of his service or the five years immediately prior to retirement as the case may be.

Average annual rate of compensation.

ORDINARY DISABILITY RETIREMENT.

Condition for Allowance.

Section 4C. (1) Subject to sections two A, four G and four H, a member under age sixty who is disabled and has twenty or more years of creditable service, upon an application filed by him and accompanied by a certificate of a registered physician setting forth the nature and extent of the disability, or upon an application filed under section thirty-seven C by the head of his department, or, in case of an official, by the governor with the approval of the council, as the case may be, may be retired for ordinary disability if, upon certification of one or more registered physicians, designated by the board, that such member is mentally or physically incapacitated for further service and that his incapacity is likely to be permanent, the board finds, after a hearing, due notice of which shall be given to the member, or, if such application is filed by the head of his department or by the governor, as the case may be, as provided in said section thirty-seven C, that (1) such member has not attained age sixty, that (2) he is incapacitated for further service, that (3) his incapacity is not the result of his own wilful misconduct, and that (4) he should be retired.

Condition for allowance of members under sixty who are disabled.

(2) Upon retirement for ordinary disability, a member shall receive, subject to section four E, an ordinary disability retirement allowance to consist of —

(a) An annuity as provided in section four G; and

(b) A pension of one one hundred and fortieth of his average annual rate of regular compensation, not exceeding twenty-six hundred dollars, during the five years prior to retirement, multiplied by the number of years, including fractions thereof, of membership service, not exceeding thirty-five years; and

(c) If the member has one or more years of prior service, including fractions thereof, an additional pension equal to one seventieth of his average annual rate of regular compensation, not exceeding twenty-six hundred dollars, during the five years prior to retirement, multiplied by the difference between his total creditable service, not exceeding thirty-five years, and his years of membership service.

(3) In no case shall a member be retired under this section at such annual rate of pension as would, when added to his annuity computed under paragraph (1) (a) of section four G, amount to a total retirement allowance of less than four hundred and eighty dollars. Payments of ordinary disability retirement benefits shall be subject to the pertinent provisions of paragraph (2) of said section four G. In computing pensions under this paragraph periods of service of less than fifteen days in any month shall not be counted,¹ but if such periods of service consist of fifteen or more days in any month they shall be counted as a full month.

ACCIDENTAL DISABILITY RETIREMENT.

Conditions for Allowance.

Retirement
for accidental
disability.

Section 4D. (1) Subject to sections four G and four H, a member, upon an application filed by him and accompanied by a certificate of a registered physician setting forth the nature and extent of the disability, or by the head of his department under section thirty-seven C, or, in case of an official, by the governor with the approval of the council, as the case may be, shall be retired for accidental disability, if, upon the certification of one or more physicians, designated by the board, that such member is mentally or physically incapacitated for further service and that the incapacity is likely to be permanent, the board finds, after a hearing, due notice of which shall be given to the member, or, if such application is filed by the head of his department or by the governor, as the case may be, as provided in said section thirty-seven C, that (1) the incapacity of said member is the proximate result of bodily injuries, or a hazard undergone, while in the performance of and within the scope of his regular duty and, except as provided in section four I, within two years next prior to the filing of said application, or as a proximate result of an earlier accident or hazard undergone which was reported in writing to the board by

the member or in his behalf within ninety days of its occurrence, that (2) it is not the consequence of his own wilful negligence, and that (3) he should be retired.

Amount of Allowance.

(2) Upon retirement for accidental disability, a member shall receive, subject to paragraph (4) of section four E and to section four H, an accidental disability retirement allowance to consist of — Amount of allowance.

(a) A life annuity as provided in section four G; and

(b) Subject to paragraph (2) (c) of this section, a pension equal to one half of the annual rate of the regular compensation received by him on the date of the accident or hazard undergone.

(c) The retirement allowance under paragraphs (2) (a) and (2) (b) of this section shall not exceed two thirds of the annual rate of regular compensation received by him on the date of the injury or hazard undergone, unless the annuity determined in the manner as set forth in paragraph (a) of section four G exceeds one third of said annual rate of compensation on said date, and in such case the pension provided in paragraph (2) (b) of this section shall be one third of such annual rate of compensation.

(3) In addition to the retirement allowance provided in paragraph (2) of this section, if a member is classified in Group 1 as set forth in paragraph (14) of section two, such member shall receive an additional pension of two hundred and sixty dollars for each child under age eighteen, or of said age or over if physically or mentally incapacitated from earning; provided, that such additional pension when added to the retirement allowance otherwise payable hereunder shall not provide a total retirement allowance exceeding the annual rate of regular compensation on the date of the injury or hazard undergone unless the annuity exceeds one third of said annual rate, and in such case the total pension under this section shall be two thirds of said annual rate of compensation. Payments of accidental disability retirement benefits shall be subject to the pertinent provisions of paragraph (2) of section four G.

RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF DISABILITY.

Section 4E. (1) The board may require a beneficiary who has been retired for disability and who has not attained age sixty to submit to a mental or physical examination once in each year during the five-year period next succeeding the date of his retirement, and once in each three-year period thereafter, by one or more registered physicians designated by it, and, upon a written request therefor by the beneficiary, it shall permit such examination at any time. If such beneficiary shall refuse to submit to any examination so required, his allowance may be discontinued, and, if such Re-examination of certain retired members.

refusal continues for one year thereafter, all his rights in and to the pensions provided in sections four C and four D may be revoked by the board.

(2) Should such physician or physicians certify to the board that a disability beneficiary is engaged, or is able to engage, in a gainful occupation, and should the board find that his earnings, actual or potential, are less than the average annual rate of regular compensation used as a basis for his retirement allowance, but are more than the difference between said average annual rate of regular compensation and his retirement allowance, then the amount of his pension shall be reduced to an amount which, together with his annuity and his earnings, actual or potential, shall equal the amount of said average annual rate of regular compensation. Should his earnings be later changed, the amount of his pension may be further increased or reduced; provided, that the new pension shall not exceed the amount of the pension originally granted, nor shall it exceed an amount which, when added to the amount earned, or which could have been earned, by the beneficiary, together with his annuity, equals the amount of said average annual rate of regular compensation. With the approval of the head of any department in which a vacancy exists, the board may order such beneficiary to return and be restored to active service in the employment of the commonwealth or metropolitan district in the same employment in which such beneficiary was employed by such employer at the time of his retirement, or in a similar employment. If such beneficiary refuses so to return or to file such information as the board may require said board may revoke or suspend his pension. If a beneficiary is so restored to active service at a compensation less than said average annual rate of regular compensation, but greater than the difference between the amount of such rate and his retirement allowance, then the amount of his pension shall be reduced to an amount which, when added to his annuity and the compensation at which he is so restored, shall equal the amount of the regular compensation which he was receiving when retired. Should his compensation be later changed, the amount of his pension may be increased or reduced to conform to the foregoing provision. Such a beneficiary restored to active service at a compensation less than said average annual rate of regular compensation shall not become a member of the system, except as provided in paragraph (3) of this section, and upon subsequent separation from service without having become such member shall receive a retirement allowance equal to that which he was receiving prior to his restoration to active service. No such beneficiary restored to active service shall remain in the service after attaining the maximum age for his group.

(3) Should a disability beneficiary be restored to active service at a compensation not less than the amount of the regular compensation which he was receiving when retired,

or should he, after being restored at a lesser compensation, attain to such regular compensation, his retirement allowance shall cease and he shall again become a member of the system. Any prior service, and any membership service on the basis of which his service was computed at the time of his retirement, shall thereupon be restored to full force and effect, and upon his subsequent retirement he shall be entitled to his original pension and, in addition, to such pension as may have accrued to him on account of service after his return to service; provided, that the total pension on his subsequent retirement shall not exceed the pension he would have received had he remained in the service during the period of his prior retirement. In addition, he shall receive the annuity which is the actuarial equivalent of his accumulated assessments.

(4) Upon application by a disability beneficiary within five years after his pension has been revoked or suspended under paragraph (2) of this section, the board shall cause him to be again examined by a physician or physicians under paragraph (1) of this section. If such physician or physicians certify to the board that such beneficiary is not engaged or able to engage in any gainful occupation or employment, or, in case they certify that he is so engaged or able to engage, if the board finds that his earnings or potential earnings are less than the difference between his annuity and the average annual rate of regular compensation used as a basis for his retirement allowance, his pension may, by order of the board, be restored to him after the date of said order, to the extent provided in said paragraph (3) of this section.

ACCIDENTAL DEATH BENEFIT.

Section 4F. (1) If the board finds that a member or a beneficiary retired for accidental disability died as a result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of his duties and, except as provided in section four I, that such death occurred within two years thereafter, or resulted from an earlier accident or hazard undergone which was reported to the board by the member or in his behalf within ninety days after its occurrence, and that such injuries or hazard were not the consequence of his own wilful negligence, there shall be paid to the dependents of such member as hereinafter designated an accidental death benefit to consist of a pension equal to one half of the annual rate of compensation received by the member on the date such injuries were so sustained or hazard undergone. The said pension shall begin as of the date of the death of said member, and shall be paid —

Accidental death benefit.

(a) To the surviving husband or wife, if living together on the date of said injuries or hazard and principally dependent for support upon such member, or to the surviving wife, if, at the time of the husband's death, the board finds

that the wife was living apart from him for justifiable cause or because he deserted her, so long as he or she remains unmarried; provided, that in the case of a widow of a member who is not eligible at the time of his death if at a subsequent date the board finds that said widow, because of changed circumstances, would be principally dependent upon her husband if he were living, such pension may thereafter be paid to her but no pension shall be paid for any period prior to the finding of the board.

(b) If there is no husband or wife surviving such member, or if the surviving husband or wife dies before each child of such member shall have attained age eighteen, or if the wife was living apart from the member for unjustifiable cause, or because of her own desertion, and is therefore ineligible for benefits, on the date of the injuries or hazard undergone, then to a legal guardian for the benefit of the surviving child or children, divided in such manner as the board shall from time to time determine, but it shall be discontinued, reduced or apportioned upon any such child attaining age eighteen, or upon the death of any such child before attaining age eighteen.

(c) If there is no husband, wife or child or children under age eighteen surviving such member, then to his totally dependent father or mother, or both, and the survivor of them, as the board in its discretion shall determine, during dependency and until remarriage of either.

(2) If there is any child age eighteen or over said age who is physically or mentally incapacitated from earning, a pension of two hundred and sixty dollars shall be paid, for each such child, to the said child or his natural or legal guardian during such time as said child is so incapacitated.

(3) The board shall, after a notice and hearing, decide all questions relating to dependency, and incapacity of any child to earn, and its decision shall be final.

(4) There shall not be paid in any case for all the benefits provided in this section an amount to exceed the rate of regular compensation of the member on the date of the accident in which he received said injuries or the hazard undergone, and, if the calculated amount of such benefits shall exceed such rate, the pensions provided in paragraph (2) of this section shall be prorated among those entitled to receive them during such time as such benefits shall exceed such rate.

(5) If payments are made under paragraph (2) of this section to a natural guardian of a child, such guardian shall render in each year to the board, on oath or under penalties of perjury, and in such form as it may prescribe, a detailed account of the amounts disbursed therefrom by him for the benefit of such child; and if upon the rendition of any such account the board finds that said disbursements have not been made for the best interests of such child such pension, in the discretion of the board, may be discontinued until such time as a legal guardian or conservator has been appointed.

ANNUITY OPTIONS.

Section 4G. (1) Subject to paragraph (2) of this section, a member shall be entitled to receive as he, or, if he is incompetent, his wife, his conservator or guardian, may elect at the time of retirement on a form furnished by the board:—

Annuity options.

(a) A full life annuity which, on the mortality tables and interest rates prescribed under section thirty-four shall be the actuarial equivalent of his accumulated assessments on the effective date of his retirement, or at the maximum age for the group in which he is classified as set forth in paragraph (14) of section two, whichever is the lesser; or

(b) An annuity of a lesser amount determined in the manner set forth in paragraph (1) (a) of this section, with the provision that, if the member dies before receiving annuity payments equal to the amount used to purchase said annuity, the difference shall, subject to paragraphs (2) (c) and (2) (d) of section five A, be paid to his legal representatives.

(2) Irrespective of the date of retirement as designated in the application, no retirement shall take effect prior to the day following the last day for which salary is paid and, except as to retirements under paragraphs (1) (b) and (1) (c) of section four and under section thirty-seven C, no retirement shall take effect prior to the date of receipt by the board of an annuity election form, properly executed, in a form prescribed by the board, and filed by the member, or, if he be incompetent, by his wife, guardian or conservator, as the case may be. If such annuity election form, properly executed, is not received prior to the date upon which the retirement of the member becomes effective under paragraph (1) (b) or (1) (c) of section four or under section thirty-seven C, the member shall receive an annuity computed under paragraph (1) (b) of this section. If such annuity election form, properly executed, is not so filed with the board within ninety days of the filing of an application for retirement under paragraph (1) (a) of section four, such application shall be void. All annuities, pensions and retirement allowances shall be computed to the nearest multiple of twelve and shall be paid in monthly instalments.

COMPENSATION BENEFITS OFFSET.

Section 4H. A person shall be treated in all respects as a contributing member during the entire period he shall receive weekly compensation payments for total incapacity under the provisions of sections sixty-nine to seventy-five, inclusive, of chapter one hundred and fifty-two, or during any period computed in the manner hereinafter provided to cover a lump sum payment under section forty-eight of said chapter one hundred and fifty-two in lieu of the compensation aforesaid and also during a further period of

Compensation benefits offset.

thirty days thereafter, except as to liability to contribute to the annuity savings fund, and except that if such member attains the maximum age for the group in which he is classified as set forth in paragraph (14) of section two prior to the termination of the actual or computed period of compensation payments he shall not be treated as a member beyond the date of termination aforesaid. If such member attains the said maximum age during any such period he shall be retired on the date of termination aforesaid with the retirement allowance payable at such age; and if he otherwise meets the age or service requirements for retirement prior to said date of termination he shall have all the rights and benefits provided in sections one to five A, inclusive, to which he would have been entitled if his service had not been interrupted by such incapacity, and if he re-enters the service after the termination of the said thirty-day period, he shall be treated as a contributing member; but in case of retirement hereunder no pension or annuity payments shall be made on account of any period of time prior to the date of receipt by the board of the written application for retirement. In no case shall interest be added to the account of such member beyond the first day of the month in which the date of termination of the additional thirty-day period occurs, unless such member sooner re-enters the service. The account of such member in the annuity fund shall not be withdrawn during the period of such compensation payments. Whenever such member receives a lump sum payment the period of time covered by such payment shall, for the purposes of this section, be computed to begin on the last day on which the name of such member appeared on the payroll prior to such payment or on the day of the last compensation payment in case weekly payments had previously been made and to continue during a number of weeks equal to the quotient of the lump sum payment divided by the maximum weekly compensation which would otherwise be payable to such member, and any fractions of a week so resulting shall be taken as a full week.

Section 4I. No member of the state retirement system on June thirtieth, nineteen hundred and thirty-eight, who then or thereafter suffers from a disability resulting from an accident or hazard which occurred prior to said effective date, or who after said date dies as a result of any such accident or hazard, shall thereby be deemed ineligible for retirement for accidental disability, nor shall his dependents otherwise eligible to receive accidental death benefits be deemed ineligible to receive the same, as the case may be notwithstanding the provisions of sections four D and four F relative to the time during which an application for retirement shall be filed and a report rendered of a prior accident or hazard undergone.

Certain members not to be deemed ineligible for retirement for accidental disability, etc.

ADMINISTRATION.

Section 5. (1) The system shall be known as the "state employees' retirement system", and all of its business shall be transacted under such name. "State employees' retirement system", to be known as.

(2) The system shall be managed by the board of retirement provided in section eighteen of chapter ten.

(3) The members of the board shall be reimbursed from the expense fund for any expense or loss of salary or wages which they may incur through service on the board.

(4) The board shall annually, on or before February fifteenth, file in the office of the commissioner of insurance on a form prescribed by him a sworn statement of the financial condition of the system as of December thirty-first of the previous year, and of all the fiscal affairs of said system during said previous year. The said commissioner may for cause shown extend the time for filing said statement. The state treasurer shall, subject to the same conditions and requirements, file a sworn statement of the financial condition of the system as of said December thirty-first.

(5) The board may make such rules and regulations consistent with law as it deems necessary to carry out the provisions of sections one to five A, inclusive.

(6) The board may employ registered physicians or other qualified persons as examiners and may obtain X-ray plates whenever in its judgment it is necessary to assist in determining the cause, nature and degree of disability under sections four C and four D, or either, or to determine such facts at the time of re-examination under section four E. If the member's or a beneficiary's physician shall certify in writing to the board that the physical or mental condition of the member or beneficiary will not permit him to present himself for office examination he may be examined at his residence or wherever he may be. The fees of each physician or examiner employed by the board shall be fixed by the board, but shall not, in any one case, exceed ten dollars for an office examination or twenty dollars for an examination made at the residence of the member or wherever he may be other than at the physician's office; and such fees shall be in full for all services, which shall include a written report to the board and all expenses, except for X-ray plates. If two or more physicians are employed in any one case, they shall severally report to the board in writing, except as the board may otherwise direct. All such fees and expenses when approved by the board shall be paid by the commonwealth from the expense fund.

(7) The board shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the system and for checking the experience of the system.

(8) The board shall keep a record of all its proceedings.

(9) Whenever the board shall find it impossible or impracticable to consult the original record to determine the exact length of service or amount of regular compensation of a member, it may estimate such length of service or amount of regular compensation on any basis which in its judgment is fair and just.

METHOD OF FINANCING.

Assets of
system, how
credited and
financed.

Section 5A. All the assets of the system shall be credited, according to the purposes for which they are held, to one of the following four funds, namely, the annuity savings fund, the annuity reserve fund, the pension fund and the expense fund.

Annuity Savings Fund.

(1) (a) The annuity savings fund shall be the fund to which shall be paid the annuity assessments from the regular compensation of members. The state treasurer or other bonded official or employee having charge of payrolls of the commonwealth or the metropolitan district commission shall, upon notice from the board, and subject to paragraph (1) (d) of this section, withhold on each pay day five per cent of the regular compensation of members, and shall send to the board a statement or voucher for such assessments in a form prescribed by it.

(b) For the purpose of determining regular compensation of a member, in cases where a member receives a non-cash allowance in the form of full or partial boarding and housing, the state treasurer or other bonded official or employee shall add to the cash payment for regular services an amount not to exceed seven dollars per week, and the sum of said amount and said cash payment shall be the basis upon which annuity contributions shall be made. The foregoing provision shall also apply in computing pensions based upon prior service.

(c) The various amounts withheld as provided in paragraphs (1) (a) and (1) (b) of this section shall be forthwith transferred to the system and credited by the board to the accounts of the respective members so contributing, and shall be paid into and become a part of said annuity savings fund.

(d) In no case shall that portion of regular compensation of a member in excess of fifty dollars per week be subject to the deduction provided in paragraphs (1) (a) and (1) (b) of this section.

(2) In determining the amount of regular compensation payable to a member in a payroll period, the board may consider the annual rate of regular compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and shall make assessments from regular compensation for any period of less than a full payroll period as if an employee were a member on the first day of the payroll period. If the regular compensation is a stipulated amount or at an annual rate

paid in either case in less than twelve monthly instalments, the total annuity assessments during actual service shall be equal to the amount which would have been assessed had the regular compensation been paid in twelve monthly instalments.

(a) The assessment provided for in sections one to five A, inclusive, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the assessment provided for in this section and shall receipt for his full compensation, and the payment of his full compensation with such assessment shall be considered a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him during the period covered by such payment, except as to the benefits provided under sections one to five A, inclusive.

(b) A member who has been in the service of the commonwealth or the metropolitan district commission for a continuous period and contributed to the annuity savings fund during the first part thereof at the rate of three per cent, and during the remainder of said period at the rate of five per cent, may pay in one sum the difference between the amount credited to him in the annuity savings fund and the amount which would have been credited to him in said annuity savings fund if all his annuity assessments had been made at the rate of five per cent; or such member may pay, by equal monthly assessments, into the annuity savings fund, during a period of not more than five years and before attaining age sixty, such amount as will at the end of such period be equal to such difference and interest to the date of final payment. The board may temporarily suspend or terminate such additional assessments if it finds that the member is unable to continue them; provided, that the member shall not resume or continue such assessments after attaining age sixty.

(c) Any sums of money otherwise payable to the legal representatives of a deceased former employee under any provision of sections one to five A, inclusive, other than under this paragraph, shall be paid as follows:— To the beneficiary or beneficiaries, if any, designated as hereinafter provided, surviving at the death of such person as appearing in the records of the board at the time of his death, and any such payment shall bar the recovery of such sums by any other person. A member or a person mentioned in paragraph (2) (d) of this section, hereinafter called the designator, may designate one or more beneficiaries, and from time to time change the same, on a form to be furnished by the board, to receive, in indicated proportions, but not in the alternative, all sums which may be due at the designator's death; provided, that any person designated by a minor shall be of his kindred. If the beneficiary or beneficiaries pre-decease the designator and no other designation

has been made, the amount due upon the death of the designator shall be paid to the legal representatives of such person subject to the conditions hereinafter named. Any question relating to survivorship shall be finally determined by the board. If any sum payable upon the death of the designator, member or person referred to in paragraph (2) (d) of this section does not exceed three hundred dollars and if, within three months after the date of such death, no demand is made therefor by his executor or administrator, and the board has not been informed that probate proceedings have been commenced, said sum may thereupon be paid to the person or persons whom the board shall find to be entitled thereto, and any payment so made shall bar recovery thereof by any other person. Payment to the natural guardian or to the legal guardian or conservator of a minor or incompetent beneficiary shall constitute a legal settlement of all claims on account thereof, and shall bar recovery thereof by any other person.

(d) Paragraph (2) (c) of this section shall apply to a retired employee or an employee who terminates his employment or dies while in the process of becoming a member under paragraph (1) (b) or paragraph (10) (b) of section two or under section two A.

Return of Accumulated Assessments and Amounts due Estates or Beneficiaries of Deceased Former Employees.

(3) (a) Any member who ceases to be an employee while ineligible for retirement in any manner other than by retirement, shall be paid the amount of his accumulated assessments in not less than thirty days after the filing of an application therefor unless sooner reinstated in service; provided, that the board, in its discretion, may withhold such accumulated assessments for not more than one year after the member last rendered service, if said member after a previous discontinuance of service had re-entered the service and failed to redeposit the sum which he withdrew at the time of last discontinuance, as provided in paragraph (12) of section three.

(b) Should a member or person mentioned in paragraph (2) (d) of this section die, his accumulated assessments in the annuity savings fund and amounts due from the annuity reserve and pension funds, if any, shall be paid to his legal representatives, subject to paragraph (2) (c) of this section.

Provision for Payment.

(c) All amounts payable by members under any provision of paragraph (1) of this section shall be deducted from their regular compensation as often as the same is payable, and shall be immediately transferred to the annuity savings fund and credited by the board to the respective accounts of such members; provided, that any member on a leave of absence may, during such absence or within thirty days

after the termination thereof, pay to the annuity savings fund an amount equal to the sum of the assessments which would have been deducted from the regular compensation of such member if his name had appeared on the payroll for the full period of such absence, if one year or less, otherwise for one year, at the rate of regular compensation paid at the beginning of such leave of absence; provided, that no employee on leave of absence may pay into the annuity savings fund under this paragraph sums equal, in the aggregate, to more than twelve monthly instalments during any period of five consecutive years.

(d) A member may, within thirty days prior to the date of his retirement for superannuation, deposit in the annuity savings fund such sum as he may elect, but not to exceed the amount for which he will be credited in said fund upon retirement, and the amount so deposited shall be considered as a part of his regular assessments for all purposes, except that it shall not be used to increase the amount of his pension.

(e) Any employee who was employed for not less than seven months in any year prior to membership in the system may pay into the annuity savings fund in one sum the amount which would have been credited to him in the said annuity savings fund if assessments at the rate of five per cent had been paid from his regular compensation, or so much thereof as did not exceed the maximum compensation subject to annuity assessments during such period, and if such assessments had been accumulated with interest; or may pay said amount by additional assessments during a period not exceeding ten years from the date of the first additional assessment; provided, that, except as hereinafter provided all such additional assessments shall be paid before such member attains age sixty. The board may temporarily suspend or may terminate such additional assessments if it finds that the member is unable to continue them; provided, that such assessments shall not be resumed or continued after attaining age sixty; and in case all amounts have not been paid, the member shall be credited with membership service for the period covered by such additional assessments as have been paid, and said membership service shall be computed anteriorly of the date of entry in the system. When the full amount required by this paragraph has been paid the period covered by the additional assessments shall become a part of his membership service, and any period of service rendered prior to June first, nineteen hundred and twelve, shall be credited as prior service.

Additional Interest.

(4) (a) The account of a former member, or of an employee who terminates service while in the process of becoming a member under paragraphs (1) (b) or (10) (b) of section two or under section two A, shall be credited with regular

interest up to the third annual compounding date following the date when such account becomes subject to withdrawal. In case of a refund or retirement between any regular interest compounding periods, interest shall be credited to the account of such person as of the annual compounding date last preceding his retirement or his leaving the service, computed from said interest compounding date to the first day of the month in which his retirement becomes effective or he terminates service. The period of membership as provided in section four H shall be part of the interest period under paragraph (4) (a) of this section.

(b) In case a member shall make additional payments into the annuity savings fund between July first and December thirty-first of any year in any manner provided by sections one to five A, inclusive, in any amount not less than twenty-five dollars, his account shall be credited with additional interest at the rate prescribed for regular interest, computed on each monthly payment for the period from the first day of the month to December thirty-first; provided, that additional interest shall not be computed on fractions of a dollar.

Annuity Reserve Fund.

(5) The annuity reserve fund shall be the fund to which, upon the retirement of a member, shall be transferred from the annuity savings fund his accumulated deductions, and from which shall be paid all annuities and benefits in lieu of annuities.

Should a beneficiary retired on account of disability or otherwise be restored to active service with a compensation at a rate not less than the rate of his regular compensation at the time of his last retirement, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his account therein.

Pension Fund.

(6) The pension fund shall consist of such amounts as shall be appropriated by the general court from time to time for the purpose of paying pensions to beneficiaries of the system.

Expense Fund.

(7) The expense fund shall be the fund to which shall be credited all moneys appropriated by the general court to pay all expenses for the administration of the system.

Appropriations.

(8) On or before the fifteenth day of October in each year the board shall certify to the state treasurer the amount of the appropriation estimated to be necessary to pay into the various funds of the system the amount payable by the commonwealth as enumerated in sections one to five A, in-

clusive, for the year beginning on the following December first, and items of appropriation providing such amounts shall be included in the appropriations for the state treasurer for the division of the state board of retirement.

Guarantee.

(9) (a) If in any fiscal year the income from investment of the annuity savings fund and the annuity reserve fund is insufficient to pay regular interest, the amount necessary to make up any such deficiency in any year shall be paid by the commonwealth as a deficiency account in the following fiscal year.

(b) The commonwealth shall make good any loss of principal from the annuity savings fund or from the annuity reserve fund in any year by appropriation in the succeeding year.

(c) The payment of all pensions, annuities, retirement allowances, refunds and any other benefits granted under any provisions of sections one to five A, inclusive, or corresponding provisions of earlier laws are hereby made obligations of the commonwealth.

(d) The board shall pay on the first day of each month the full amount of pensions and annuities then due and payable. In case the appropriation made for the pension fund is insufficient, the amount necessary to make up any such deficiency in any year shall be paid by the commonwealth as a deficiency account in the following fiscal year. The amount to be appropriated in each year shall not be less than the total pensions payable at the beginning of the fiscal year as appearing on the pension rolls, together with such amount as is estimated to be necessary to pay pensions to such beneficiaries as may be added to the pension rolls during the current year, less any mortality gains.

Management of Funds.

(10) The state treasurer shall have custody of the funds of the system, and, subject to the approval of the board, shall invest and re-invest the same, when not required for current disbursements, in accordance with section thirty-eight of chapter twenty-nine. He shall make such payments from the several funds of the system as the board shall order to be paid in accordance with sections one to five A, inclusive.

Reimbursement for County and Municipal Service.

(11) When any retired member receives a pension for any county, city or town service, except service as a teacher in the public schools as defined in section six, the commonwealth shall be reimbursed by such county, city or town for the full amount of that part of the pension incurred on account of such service, as hereinafter provided. The board

shall annually in January certify to the state treasurer a statement showing the amount of reimbursement due hereunder from any county, city or town for the state fiscal year. The state treasurer shall, forthwith upon receipt of any such statement relating to any county, notify the treasurer thereof of the amount set forth in such statement, and the county treasurer shall pay the same into the state treasury on or before November twentieth following. The state treasurer shall, forthwith upon receipt of any such statement relating to a city or town, notify the treasurer thereof of the amount set forth in such statement, and said amount shall be assessed and collected as a part of the state tax. All sums received hereunder shall be credited to the general revenue of the commonwealth.

G. L. (Ter. Ed.), 32, § 37C, etc., amended.

Application for retirement of member by head of department, etc.

Hearing.

SECTION 2. Said chapter thirty-two is hereby further amended by striking out section thirty-seven C, as appearing in section three of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six and as amended by section ten A of chapter three hundred and sixty of the acts of the current year, and inserting in place thereof the following: — *Section 37C.* (1) If the head of a department, county commissioners, mayor or selectmen, as the case may be, is or are of the opinion that a member under age sixty who has not less than the minimum amount of creditable service required to entitle him to retirement for ordinary disability or accidental disability, as the case may be, should be retired on account of ordinary disability or accidental disability, or that a member over age sixty with fifteen or more years of creditable service should be retired for superannuation or accidental disability, he or they shall file a written application with the appropriate retirement board together with a fair summary of the facts upon which such opinion is premised, and a statement that there has been delivered to the member, and such member has actually received, a true copy of said application and summary. Such member may, within five days of the receipt of the copy of such application and summary, file a written request with the said board for a hearing, public or private as he shall indicate in said request, before any action is taken relative to his retirement. If at the expiration of the said five days the member, or if he is incompetent, his wife, guardian or conservator, or a beneficiary, has not requested a hearing the facts set forth in said summary shall be deemed to be admitted by the member, but if such hearing is so requested, it shall be held not less than ten nor more than thirty days thereafter, and may be continued from time to time as the board may approve. Due notice of the time and place of such hearing shall be given to the member or his representative. The board shall certify its decision to all parties interested within five days of the rendition thereof. If the board finds that the member should be retired, he shall be retired with the retirement allowance for ordinary or accidental disability or for superannuation provided in

such case under the provisions of this chapter applicable to the system of which he is a member.

(2) If a member, under age sixty, who has completed twenty or more years of creditable service, or over said age, who has completed fifteen or more years of creditable service, is removed from his office or employment for the good of the service or is discharged, he shall be retired with a retirement allowance, if under age sixty, to consist of an annuity which shall be the actuarial equivalent of his accumulated assessments or deductions at his attained age, and a pension equal to one third of his annual rate of compensation, not exceeding twenty-six hundred dollars, on the date of such removal or discharge, or that pension to which he would have been entitled under the provisions of this chapter applicable to the system of which he was a member had he attained age sixty with the same number of years of creditable service with which he was credited on said date, whichever is the greater; provided, that the retirement allowance of such person shall not exceed that to which he would have been entitled if he had continued in service until he attained age sixty with no change in salary and his account had been credited with interest at three per cent, compounded annually, or, if over age sixty, the retirement allowance for superannuation granted under said provisions; provided, that the appropriate retirement board shall find that the removal of the member will be for the good of the service or that his discharge was not the result of moral turpitude; and provided, further, that such member shall, within ten days following his removal or discharge, have filed a written application for a hearing and that after due notice a hearing shall have been held thereon at a time and place appointed by the board, but in no event later than thirty days after the date of the receipt of such application. The head of a department, county commissioners, mayor or selectmen, as the case may be, shall, within five days after such removal or discharge, furnish said retirement board with a fair summary of the facts relating to such removal or discharge, and said summary shall be open to inspection by the member or a person designated by him in writing. Failure of the head of a department, the county commissioners, mayor or selectmen, as the case may be, to furnish the board with such summary of facts within said five days, or a finding by the board that such removal will not be for the good of the service, shall make any such removal or discharge null and void, and in such case the member shall forthwith be restored to active service without loss of compensation, or of civil service rights, if any.

(3) If the office or position of a member under age sixty who has completed twenty or more years of creditable service, or over age sixty who has completed fifteen or more years of creditable service, is abolished, or if such member, after attaining age sixty, resigns his position or fails of reappointment or re-election, or otherwise terminates his

Allowance when removed, etc., from employment.

Allowance in cases where employer resigns, etc.

employment, before filing an application for retirement, he shall be retired on his own application with the retirement allowance provided in paragraph (2) of this section.

Review.

(4) A member aggrieved by any action taken or a decision rendered under paragraph (1) or (2) of this section may, within thirty days after the certification of the decision of the retirement board, bring a petition in the district court within the territorial jurisdiction of which he resides praying that the said action and decision may be reviewed by the court, and after such notice as the court deems necessary it shall review such action and decision, hear any and all evidence and determine whether such action was justified. If the court finds that such action was justified, the decision of the board shall be affirmed, otherwise it shall be reversed and the member reinstated in his office or position without loss of compensation. The decision of the court shall be final.

Rights of
certain per-
sons under
civil service.

(5) Any member whose office or employment is subject to chapter thirty-one or the rules and regulations made under authority thereof who is aggrieved by a decision of a retirement board made under paragraph (1) or (2) of this section shall for the purposes of this chapter have and retain such of the rights provided by sections forty-two A, forty-two B, forty-three and forty-five of said chapter thirty-one as apply to his particular office or employment, and the court shall, in addition to the matters it is required to review under said sections, affirm or disaffirm the findings of the board made under said paragraph (2).

Application
of section.

(6) This section shall not apply to the removal of an official, as defined in section one, or to the removal of any official of a county, city or town for which provision is otherwise made in any general or special law; nor shall it apply to an elective official who fails of re-election.

Appeal
board.

(7) There is hereby established a board composed of the director of the division of accounts or an assistant in said division to be designated in writing from time to time by the commissioner of corporations and taxation, the commissioner of insurance or an assistant to be designated in writing from time to time by said commissioner, and an assistant attorney general to be designated from time to time by the attorney general, said board being hereinafter called the appeal board. On matters not subject to review as hereinbefore provided, any person aggrieved by any order, decision or finding of a retirement board, or by the failure of such board to act, may within ten days after such order, decision or finding, or within ten days after the expiration of one month following the date of a written request to such board for such an order, decision or finding in case no action was taken by such board thereon within one month, appeal to the appeal board by filing with the board a claim in writing. The appeal board shall, after due notice, give a hearing in not less than ten nor more than sixty days following the filing of any such claim of appeal. The appeal

board shall pass upon the appeal, and its decision shall be final and binding upon the board of retirement involved and upon all other parties in interest, and shall be complied with by such board.

SECTION 3. Section thirty-seven E of said chapter thirty-two, as amended by section eleven of chapter three hundred and sixty of the acts of the current year, is hereby further amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 32, § 37E, etc., amended.

(3) A person retired under this chapter or corresponding provisions of earlier laws or any other general or special law shall receive only such benefits as are allowed or granted by the particular provisions of law under which he is retired; nor shall such person be employed in the service of the commonwealth or any political subdivision thereof after attaining age seventy except for jury service or service in a public office to which he has thereafter been elected by direct vote of the people.

Age limit of employment.

SECTION 4. Said chapter thirty-two is hereby further amended by inserting after section thirty-eight, as amended, the following new section:— *Section 38A.* The terms “head of department”, “member” and other terms or words used in sections thirty-two to thirty-eight, inclusive, in so far as they refer to any of the several retirement systems established under authority of this chapter, shall have the meanings respectively attached to them by sections one, six, twenty and twenty-six of this chapter.

G. L. (Ter. Ed.), 32, new section 38A, added.

Certain terms defined.

SECTION 5. Said chapter thirty-two is hereby further amended by striking out section ninety-one, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 91.* No person while receiving a pension or retirement allowance from the commonwealth or from any county, city or town, except teachers who on March thirty-first, nineteen hundred and sixteen, were receiving annuities not exceeding one hundred and eighty dollars per annum, shall, after the date of the first payment of such pension or allowance, be paid for any service rendered to the commonwealth, county, city or town which pays such pension or allowance, except upon his return and restoration to active service as ordered by the appropriate retirement board after re-examination in case of retirement for disability, for jury service, or for service rendered in an emergency under section sixty-eight, sixty-nine or eighty-three, or for service in a public office to which he has thereafter been elected by direct vote of the people.

G. L. (Ter. Ed.), 32, § 91, amended.

Pensioners not to be paid for services.

Exceptions.

SECTION 6. The provisions of sections one to five A of chapter thirty-two of the General Laws, or corresponding provisions of earlier laws, shall not be deemed to apply to the present incumbents of the offices of clerk of the supreme judicial court for the commonwealth and of clerk of the superior court for Suffolk county, nor to any assistant register of probate for Suffolk county who was determined by the state board of retirement, prior to January first,

Act not to apply to certain employees in Suffolk county.

nineteen hundred and thirty-eight, not to be subject to said sections or provisions. The account of any such clerk of the superior court now in the annuity savings fund shall be paid to him immediately following the effective date of this act.

Effective
date.

SECTION 7. This act, except as otherwise specifically provided, shall take effect on June thirtieth in the current year.

Approved June 22, 1938.

Chap. 440 AN ACT PLACING SOLE RESPONSIBILITY ON THE REGISTRARS OF VOTERS FOR THE ENFORCEMENT OF THE REGISTRATION LAWS, WHERE THESE DUTIES ARE NOW LODGED WITH THE ASSESSORS AND REGISTRARS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 33, § 7,
amended.

Tavern
keepers,
etc., to give
names, etc.

SECTION 1. Chapter thirty-three of the General Laws is hereby amended by striking out section seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 7.* Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses, shall, upon application of the assessors, registrars of voters, listing board in any city or town having such a board, or of persons acting under any of them, give information of the persons residing in their houses, liable to enrolment or to military service, and every such person shall, upon like application, give his name and age. Any such keeper, master or mistress violating this section shall, on complaint of any of the assessors, registrars, members of the listing board, or of any persons acting under any of them, be punished by a fine of twenty dollars, and any person liable to enrolment or to military service guilty of such violation shall, on such complaint, be punished by a fine of twelve dollars.

G. L. (Ter.
Ed.), 33, § 6,
etc., amended.

Report of
registrars of
voters of per-
sons liable to
enrolment.

SECTION 1A. Said chapter thirty-three is hereby further amended by striking out section six, as amended by section one of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following section: — *Section 6.* Registrars of voters shall annually, in January, February or March, make a report of the number of persons living within their respective limits liable to enrolment, and shall place a certified copy thereof in the hands of the clerks of their respective towns, who shall place it on file with the records of such town, and annually, in March, April or May, transmit reports of the number of such persons to the adjutant general.

G. L. (Ter.
Ed.), 51, § 4,
etc., amended.

Registrars to
make lists of

SECTION 2. Chapter fifty-one of the General Laws is hereby amended by striking out section four, as most recently amended by section one of chapter one hundred and eighty-six of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 4.* Except as otherwise provided by law, the regis-

trars, assistant registrars, or one or more of them, shall annually in January or February, visit every building in their respective cities and towns, and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, age, occupation, nationality if not a citizen of the United States, and residence on January first in the preceding year and in the current year, of every male person twenty years of age or older, residing in their respective cities and towns, liable to be assessed for a poll tax, and shall also make true lists containing the same facts relative to every woman twenty years of age or older residing in their respective cities and towns.

persons liable to a poll tax and of women voters.

Any inmate of the soldiers' home in Chelsea shall have the same right as any other resident of that city to be assessed and to vote therein.

Inmates of soldiers' home may be assessed, etc., in Chelsea.

The registrars shall, upon the personal application of an assessed or listed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. When informed of the omission of the name of a person who is averred to have lived in the city or town on January first in the current year, and to have been assessed or listed there in the preceding year, they shall make due investigation, and, upon proof thereof, add the name to their books, and, except in any city or town as to which it is otherwise provided by special law, shall, in the case of a person liable to pay a poll tax, give immediate notice thereof to the assessors. They shall preserve for two years all applications, certificates and affidavits received by them under this section.

Registrars to correct errors and supply omissions.

Preservation of applications, etc.

SECTION 3. Said chapter fifty-one is hereby further amended by striking out section five, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—*Section 5.* The registrars, except in any city or town as to which it is otherwise provided by special law, shall on or before June fifteenth in each year transmit to the assessors the lists of all male persons over twenty years of age required by the preceding section, or certified copies thereof, and shall promptly transmit to the assessors and to the collector of taxes notice of every addition to and correction in the lists made by them, so far as they relate to such male persons. Every registrar, assistant registrar and collector of taxes shall furnish all information in his possession necessary to aid the assessors in the performance of their duties.

G. L. (Ter. Ed.), 51, § 5, amended.

Registrars to transmit lists to assessors and collectors.

SECTION 4. Said chapter fifty-one is hereby further amended by striking out section six, as so appearing, and inserting in place thereof the following section:—*Section 6.* Except in any city or town as to which it is otherwise provided by special law, the registrars, on or before June fifteenth in each year, shall prepare lists containing the names of all persons listed by them under section four for the current year. Such lists shall be arranged in

G. L. (Ter. Ed.), 51, § 6, amended.

Registrars of certain cities and towns to prepare street lists, etc.

cities by streets, and in towns by streets or alphabetically by the names of the persons listed, and in cities and in towns of over five thousand inhabitants according to the latest national or state census, by the smallest subdivision of the city or town for the purpose of voting. The registrars in cities and in such towns shall print such lists in pamphlet form, shall deliver to the assessors as many copies thereof as they may require, and shall hold the remaining copies for public distribution. In every other town, the registrars shall cause such lists to be conspicuously posted on or before June fifteenth in each year in two or more public places therein.

G. L. (Ter. Ed.), 51, § 7, etc., amended.

Form and contents of street lists.

SECTION 5. Section seven of said chapter fifty-one, as most recently amended by section two of chapter three hundred and forty-five of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the second line, the word "assessors" and inserting in place thereof the word: — registrars, — so as to read as follows: — *Section 7.* The registrars shall name or designate in such street lists all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building so that it can be readily identified, and shall place opposite to or under each number or other description of a building the name, age, occupation and nationality if not a citizen of the United States, of every person who is listed under section four, and his residence on January first of the preceding year and of the current year.

G. L. (Ter. Ed.), 51, § 8, etc., amended.

Listing of persons not previously assessed or listed.

SECTION 6. Said chapter fifty-one is hereby amended by striking out section eight, as most recently amended by section two of said chapter one hundred and eighty-six of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 8.* If a resident in a city or town, except one as to which it is otherwise provided by special law, who is required to be listed under section four as of January first, was not so listed, such person, in order to establish his right to be listed, shall present to the registrars before the close of registration a sworn statement that he was on said day a resident of such city or town. If the registrars are satisfied that such statement is true, they shall list him, and on his request shall give him a certificate thereof, and, in the case of a person liable to pay a poll tax, shall give immediate notice thereof to the assessors, who, unless satisfied that such person is erroneously listed, shall assess him.

G. L. (Ter. Ed.), 51, § 9, etc., amended.

Certain persons desiring to be registered to present statement to registrars, etc.

SECTION 7. Said chapter fifty-one is hereby further amended by striking out section nine, as amended by section eight of said chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following section: — *Section 9.* A person who becomes a resident of a city or town, except one as to which it is otherwise provided by special law, after January first and desires to be registered as a voter shall present to

the registrars a sworn statement that he became a resident therein at least six months preceding the election at which he claims the right to vote. If the registrars are satisfied that such statement is true, they shall list him, and on his request shall give him a certificate that he became a resident therein as aforesaid, and shall forthwith notify the registrars of the city or town, if in the commonwealth, where such person resided on January first, that they have given such certificate.

SECTION 8. Section ten of said chapter fifty-one, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first line, the word "assessors" and inserting in place thereof the word: — registrars, — so as to read as follows: — *Section 10.* The registrars shall hold such day and such evening sessions as may be necessary to carry out the provisions of the two preceding sections.

SECTION 9. Said chapter fifty-one is hereby further amended by striking out section eleven, as so appearing, and inserting in place thereof the following section: — *Section 11.* The registrars, except in any city or town as to which it is otherwise provided by special law, shall enter the name and residence of each person listed and certified under section eight or nine in a book provided therefor.

SECTION 10. Said chapter fifty-one is hereby amended by striking out section twelve, as so appearing, and inserting in place thereof the following section: — *Section 12.* In every place where voters are registered, and where oaths under sections eight and nine are administered, the registrars shall post in a conspicuous place a copy of sections seven and nine of chapter fifty-six, printed on white paper with black ink, in type not less than one quarter of an inch wide.

SECTION 11. Chapter fifty-one is hereby amended by striking out section fourteen A, as so appearing, and inserting in place thereof the following section: — *Section 14A.* In the making of lists under sections four to fourteen, inclusive, the registrars may, with the approval of the mayor or selectmen, have the assistance of the police department in visiting buildings and residences and performing the duties of assistant registrars in securing the information required by said sections.

SECTION 12. Said chapter fifty-one is hereby further amended by striking out section fourteen B, inserted by section nine of said chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 14B.* In cities and towns in which the duty of listing residents for the purposes of determining their right to vote and of determining their liability to be assessed a poll tax is performed by officers other than registrars or assistant registrars, the provisions of this chapter relative to registrars and assistant registrars shall apply to such officers when performing like duties in such cities and towns, except as otherwise expressly provided

G. L. (Ter. Ed.), 51, § 10, amended.

Sessions of registrars.

G. L. (Ter. Ed.), 51, § 11, amended.

Records to be kept.

G. L. (Ter. Ed.), 51, § 12, amended.

Copies of sections prescribing penalties to be posted.

G. L. (Ter. Ed.), 51, § 14A, amended.

Making of lists in certain cities and towns.

G. L. (Ter. Ed.), 51, § 14B, etc., amended.

Inconsistent provisions of special laws superseded.

in any special law or in this section. Where in any special law April first is stated as the date as of which the legal residence of any person shall be determined, such residence shall be determined as of January first instead of April first, and if any provision of this chapter contains a date for the performance of an official act by a board of registrars, registrar or assistant registrar, and by special law a different date is fixed for the performance of such act in any city or town by the same or any other board or officer, the earlier of such dates shall in such city or town prevail over the later date.

G. L. (Ter. Ed.), 51, § 35, amended.

Notice of omitted listings to be compared.

SECTION 13. Said chapter fifty-one is hereby further amended by striking out section thirty-five, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—*Section 35.* Except in any city or town as to which it is otherwise provided by special law, registrars shall compare all omitted listings, notices of which are required to be transmitted by them to the assessors under section four, with the annual register of voters for the preceding year, and if it appears to their satisfaction that any of said omitted listings is that of a person entitled to vote in such preceding year they may before the close of registration enter such name on the current annual register. In every case they shall require the vote by virtue of which such entry or correction is made to be attested by their clerk.

G. L. (Ter. Ed.), 51, § 37, etc., amended.

Annual register, entries, arrangement, etc. Exceptions.

SECTION 14. Said chapter fifty-one is hereby further amended by striking out section thirty-seven, as amended by section thirteen of said chapter two hundred and fifty-four, and inserting in place thereof the following section:—*Section 37.* The registrars, after April first, shall prepare an annual register containing the names of all qualified voters in their city or town for the current year, beginning with January first. Such names shall be arranged in alphabetical order, and, opposite to the name of each voter, shall be placed his residence on January first preceding or on any subsequent day when he became an inhabitant of the city or town. The registrars shall enter in the annual register every name contained in the lists prepared by them under section four, which they can identify as that of a person whose name was borne on the voting list of the city or town at the last preceding election or town meeting, giving the residence of each such person on January first, which, in the case of a person assessed a poll tax, shall be the place at which he was so assessed. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any registrar until such person has been duly notified and given an opportunity to be heard. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, on or before the first Monday of August in each year, send notice in writing to each voter

of the preceding year whose name has not been entered in the annual register of the current year that the name of such voter has not been so entered, such notice to be sent by first class mail enclosed in an envelope bearing the proper address to which the same may be returned in case of non-delivery, and the registrars shall prepare a list of the names of voters not so entered, which shall be open to public inspection in their principal office, or shall be posted by copy in the places where copies of voting lists are required to be posted under section fifty-seven of chapter fifty-one. This section shall not apply to any city or town as to which it is otherwise provided by special law.

SECTION 15. Section thirty-nine of chapter fifty-one, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second and third lines, the words "a person assessed" and inserting in place thereof the words:— any male person over twenty years of age, — and by striking out, in the third and fourth lines, the words "cities and towns having listing boards" and inserting in place thereof the words:— any city or town as to which it is otherwise provided by special law, — so as to read as follows:— *Section 39.* The registrars shall promptly transmit to the assessors notice of every error which they discover in the name or residence of any male person over twenty years of age. This section shall not apply to any city or town as to which it is otherwise provided by special law.

G. L. (Ter. Ed.), 51, § 39, amended.

Notice of certain errors to be transmitted to assessors.

Exceptions.

SECTION 16. Said chapter fifty-one is hereby further amended by striking out section forty-three, as most recently amended by section fourteen of said chapter two hundred and fifty-four, and inserting in place thereof the following section:— *Section 43.* Every male applicant for registration, except in any city or town as to which it is otherwise provided by special law, whose name has not been listed by the registrars as provided in section four, may present a tax bill or notice from the collector of taxes, or a certificate from the assessors showing that he was assessed as a resident of the city or town on January first preceding, or a certificate that he became a resident therein at least six months preceding the election at which he claims the right to vote, and the same shall be prima facie evidence of his residence.

G. L. (Ter. Ed.), 51, § 43, etc., amended.

Male applicant to present tax bill or certificate.

SECTION 17. Section fifty of said chapter fifty-one, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth line, the words "or assessing", — so as to read as follows:— *Section 50.* Any soldier or sailor in the service of the United States who had a legal residence in any city or town in the commonwealth at the time of entering said service, but who by reason of his being in the army or navy was absent from the city or town during the periods when sessions for listing and for registration were held, may appear before the city or town clerk in any city or town where such clerk is also a member of the board of registrars, and, in any other city or town, before the

G. L. (Ter. Ed.), 51, § 50, amended.

Supplementary registration of soldiers and sailors.

chairman of the board of registrars or board performing like duties therein, during the regular office hours of such clerk or chairman and, in accordance with this chapter, prove his qualifications as a voter under section one and be registered; if he so appears not less than three days before the election; but such registration shall be subject to the revision and acceptance of the board.

G. L. (Ter. Ed.), 56, § 2, amended.

False listing in cities and towns having listing boards.

SECTION 18. Chapter fifty-six of the General Laws is hereby amended by striking out section two, as so appearing, and inserting in place thereof the following section:—

Section 2. A registrar, assistant registrar, assessor, assistant assessor, member of a listing board, police officer or interpreter, who knowingly enters on any list of persons, or causes or allows to be entered thereon, or reports the name of any person as a resident of a building, who is not a resident thereof, shall be punished by imprisonment for not more than one year.

G. L. (Ter. Ed.), 56, § 5, amended.

Failure or refusal to give name or information to registrar, etc.

SECTION 19. Said chapter fifty-six is hereby further amended by striking out section five, as so appearing, and inserting in place thereof the following section:— *Section 5.* Whoever, being an inmate of a building and a resident twenty years of age or upward, refuses or neglects to give his or her true name when asked by a registrar, assistant registrar, assessor, assistant assessor, member of a listing board or police officer, or whoever, being an owner or occupant of a building, or a clerk, superintendent, manager or other person having in charge the affairs of a hotel or lodging house, refuses or neglects to give the full and true information within his or her knowledge relating to all persons residing in such building, when asked by such registrar or other officer, shall be punished by imprisonment for not more than three months.

G. L. (Ter. Ed.), 56, § 6, amended.

Giving false information to same officials.

SECTION 20. Said chapter fifty-six is hereby further amended by striking out section six, as so appearing, and inserting in place thereof the following section:— *Section 6.* Whoever knowingly gives to a registrar, assistant registrar, assessor, assistant assessor, member of a listing board or police officer, for the purpose of the assessment of a poll tax or of making a list of residents twenty years of age or upward or a report under the laws relating to listing and registration of voters, the name of any person as a resident of a building, who is not a resident thereof, shall be punished by imprisonment for not more than one year.

G. L. (Ter. Ed.), 56, § 7, amended.

False oath, etc.

SECTION 21. Section seven of said chapter fifty-six, as so appearing, is hereby amended by striking out, in the third and fourth lines, the following:— “, or in Chelsea, Revere or Watertown for being given a certificate of residence by the assessors,” — so as to read as follows:— *Section 7.* Whoever knowingly or wilfully makes a false affidavit, takes a false oath or signs a false certificate relative to the qualifications of any person for assessment, listing or registration shall be punished by imprisonment for not more than one year.

SECTION 22. Said chapter fifty-six is hereby further amended by striking out section eight, as so appearing, and inserting in place thereof the following section:—*Section 8.* Whoever aids or abets a person in knowingly or wilfully making a false affidavit, taking a false oath or signing a false certificate relative to the qualifications of any person for assessment, listing or registration shall be punished by imprisonment for not more than one year.

G. L. (Ter. Ed.), 56, §.8, amended.
Aiding or abetting false oath, etc.

SECTION 23. This act shall take effect on the thirty-first day of December in the current year.

Effective date.

Approved June 22, 1938.

AN ACT ESTABLISHING THE BOURNE WATER DISTRICT IN THE TOWN OF BOURNE. *Chap. 441*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Bourne, liable to taxation in said town, and residing within the territory comprised within the following boundary lines, to wit:—

Beginning at the Cape Cod canal at a point five hundred feet east of the center line of the Bourne Highway bridge over the Cape Cod canal and running southerly by a line five hundred feet east of the center line of said bridge and the center line of the state highway to Falmouth, known as Route No. 28, to the Falmouth line; thence westerly by the Falmouth town line to Buzzards Bay and thence northerly by Buzzards Bay to the Cape Cod canal; thence easterly by the Cape Cod canal to the point of beginning; said description is intended to include the so called Tobey's Island — shall constitute a water district and are hereby made a body corporate by the name of the Bourne Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, pur-

chase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Bourne not already appropriated for the purposes of a public supply, and the water rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells, pumping and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Bourne. Said district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said district may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from

the district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, four hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Bourne Water District Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws. The town of Bourne may, at its annual town meeting or at a legal meeting called for the purpose, guarantee the payment of such bonds or notes.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon the district by the assessors of said town of Bourne annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said commissioners by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act, if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner; but all other estates in said district shall be deemed to be benefited and shall be subject to the tax. A certified

list of the estates exempt from taxation under the provisions of this section shall annually be sent by the board of water commissioners to the assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. The first meeting of the voters of the territory included within said district by section one of this act shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by two thirds of the voters present and voting thereon it shall take full effect, and the meeting may then proceed to act on the other articles in the warrant.

SECTION 9. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting thereafter called for the purpose, three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All the authority granted to said district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said commissioners are first elected and at each annual district meeting held thereafter, the commissioners shall elect by ballot a treasurer of the district, who may be a commissioner, and who shall give bond to the district in such an amount as may be fixed by the commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting

called for the purpose. No money shall be drawn from the treasury of said district on account of its water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws, prescribing by whom and how meetings of the district may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper. The district shall have all the rights and privileges conferred by law upon water districts, so far as applicable.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

SECTION 13. Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within

ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a two thirds vote of the voters of the territory included within said district by section one of this act present and voting thereon, by the use of the check list, at a district meeting called, in accordance with section eight, within four years after its passage.

Approved June 22, 1938.

Chap. 442 AN ACT FURTHER REGULATING EDUCATION IN THE USE OF ENGLISH AND CERTAIN OTHER SUBJECTS ADAPTED TO FIT PERSONS FOR AMERICAN CITIZENSHIP.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 69, § 9, amended.

Education in use of English, etc.

SECTION 1. Section nine of chapter sixty-nine of the General Laws, as appearing in the Tercenary Edition, is hereby amended by striking out, in the third line, the word "adults" and inserting in place thereof the words: — persons eighteen years of age or over, — so as to read as follows: — *Section 9.* The department, with the co-operation of any town applying therefor, may provide for such instruction in the use of English for persons eighteen years of age or over unable to speak, read or write the same, and in the fundamental principles of government and other subjects adapted to fit for American citizenship, as shall jointly be approved by the local school committee and the department. Schools and classes established therefor may be held in public school buildings, in industrial establishments or in such other places as may be approved in like manner. Teachers and supervisors employed therein by a town shall be chosen and their compensation fixed by the school committee, subject to the approval of the department.

G. L. (Ter. Ed.), 69, new section 9A, added.

Application for instructions under preceding section.

SECTION 2. Said chapter sixty-nine is hereby further amended by inserting after section nine the following new section: — *Section 9A.* Upon application of twenty or more residents of any city or town who are eighteen years of age or over certifying that they desire to attend a class for instruction of the type described in section nine, the school committee of such city or town shall establish and cause to be conducted such a class or classes for a period of not less than forty sessions; provided, that, in case the attendance of any such class falls below fifteen, such school committee may discontinue such class.

Approved June 22, 1938.

AN ACT AUTHORIZING THE GREYLOCK RESERVATION COMMISSION TO ACQUIRE CERTAIN PROPERTY AS AN ADDITION TO THE GREYLOCK STATE RESERVATION. *Chap. 443*

Be it enacted, etc., as follows:

Subject to the conditions hereinafter imposed, the Greylock reservation commission is hereby authorized to acquire by gift or purchase, or to take by eminent domain under chapter eighty A of the General Laws, on behalf and in the name of the commonwealth, and thereafter to control and manage as a portion of the Greylock state reservation, any or all of the land in the towns of New Ashford, Cheshire and Lanesborough within the limits of two strips on opposite sides of and bordering on a way known as Rockwell road, each strip being of a depth of not more than one hundred and fifty feet, and extending from the southerly boundary of said reservation for a distance of approximately three miles in a general southerly direction to a way known as Pratt Hill road in the town of Lanesborough. No acquisition of property shall be made hereunder until a sum equal to the amount by which the cost of such acquisition exceeds three thousand dollars has been deposited with the state treasurer by individuals, associations, corporations or others toward meeting said cost, and the sum of three thousand dollars has been appropriated by the general court toward meeting said cost.

Approved June 22, 1938.

AN ACT PERMITTING CERTAIN PART TIME TEACHERS TO BECOME MEMBERS OF THE TEACHERS' RETIREMENT ASSOCIATION AND MAKING CERTAIN OTHER CHANGES IN THE LAWS RELATIVE TO SUCH ASSOCIATION. *Chap. 444*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter thirty-two of the General Laws is hereby amended by striking out the definition of "Teacher", as appearing in section one of chapter two hundred and thirty-two of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — "Teacher", any person, other than a person serving as an exchange teacher in the public day schools of the commonwealth who is not at the time of entry into such service a member of the association, who is employed by one or more school committees or boards of trustees, or by any combination of such committees and boards, on a basis of not less than one half time service, as a teacher, principal, supervisor or superintendent in such schools, or as a supervisor or teacher of adult alien education.

G. L. (Ter. Ed.), 32, § 6, etc., amended.

"Teacher", defined.

SECTION 2. Section seven of said chapter thirty-two, as amended, is hereby further amended by inserting after paragraph (5), inserted by section three of said chapter two hundred and thirty-two, the following new paragraph: —

G. L. (Ter. Ed.), 32, § 7, etc., amended.

Certain part time teachers to continue as members.

(6) Except as otherwise provided in section nineteen, any person properly enrolled as a member of the association who has been a member, and employed as a teacher, for not less than one year shall thereafter continue to be a member even though employed on a basis of less than one half time service.

G. L. (Ter. Ed.), 32, § 9, etc., amended.

SECTION 3. Section nine of said chapter thirty-two, as amended, is hereby further amended by adding after paragraph (5), inserted therein by chapter three hundred and two of the acts of nineteen hundred and thirty-seven, the following new paragraph: —

Payments into funds.

(6) A member of the association enrolled after September first, nineteen hundred and twenty-five who was employed as a part time teacher at any time between said September first, nineteen hundred and twenty-five, and September first, nineteen hundred and thirty-eight, may pay in one sum into the annuity fund established by paragraph (2) of this section an amount equal to the total assessments for all periods of such part time service subsequent to the date on which he began service on a basis of not less than one half time service, together with the interest which would have been credited to his account during the time that such service was rendered, and upon making such payment credit shall be allowed him for such part time service.

G. L. (Ter. Ed.), 32, § 10, etc., amended.

SECTION 4. Section ten of said chapter thirty-two, as amended, is hereby further amended by striking out in the one hundred and fifty-third line, as appearing in the Tercentenary Edition, "(12)" and inserting in place thereof: — (19), — so that the paragraph contained in the one hundred and fifty-second to the one hundred and fifty-fifth lines, inclusive, as so appearing, will read as follows: —

Average salary.

(17) In determining the average salary under paragraphs (5), (10) and (19) of this section, the yearly rate which the teacher would have received had he been in service shall be used for periods of sickness or leave of absence.

G. L. (Ter. Ed.), 32, § 10, etc., further amended.

SECTION 5. Said section ten is hereby further amended by striking out paragraph (19), as appearing in the Tercentenary Edition, and inserting in place thereof the following: —

Amount of pension.

(19) No pension under paragraph (4), except a minimum pension, shall exceed one third of the member's average yearly rate of salary for the five years immediately preceding his retirement, and no pension under paragraph (5), except a minimum pension, shall exceed one half of the member's average yearly rate of salary for the five years immediately preceding his retirement; provided, that the pension of any person who became a member of the association prior to June thirtieth, nineteen hundred and twenty-nine, shall in no case be reduced by this paragraph to an amount less than the amount to which such person would have been entitled as pension had the provisions of sections seven to nineteen, inclusive, in effect immediately prior to said date been in effect at the time of his retirement. All

annuities and pensions under this section shall be in multiples of four cents and shall be payable quarterly.

SECTION 6. Said section ten, as amended, is hereby further amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 32, § 10, etc., further amended.

(20) A member whose average yearly rate of salary for the five years preceeding retirement is less than six hundred dollars, and who is entitled to the minimum pension provided by paragraph (4), (5) or (10) of this section, shall not receive a pension in excess of the annual pension which, when added to the annual amount of the full life annuity computed under clause 3 (a) of this section, will provide a retiring allowance equal to two thirds of said average salary, except that no pension shall be reduced by this paragraph to less than one third of said average salary.

Limit on allowance.

Approved June 22, 1938.

AN ACT MAKING SUNDRY CHANGES IN THE SALE OF SECURITIES LAW.

Chap. 445

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-five of the General Laws is hereby amended by striking out section twelve A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 12A.* There shall be in the department, and under its general supervision and control, a securities division which shall be under the charge of a director. The commission, with the approval of the governor and council, shall appoint said director for a term of five years, and fix his compensation. The commission, with like approval, or the governor, may remove said director at any time for cause. Said division shall perform such of the functions in relation to the administration and enforcement of chapter one hundred and ten A imposed upon the commission by said chapter as the commission may from time to time determine by order duly recorded in the office of the commission and open to public inspection; provided, that, in case of such a delegation, the commission shall always retain and exercise the functions so imposed upon it by subdivision (j) of section three of said chapter, by subdivisions (d), (i) and (j) of section four thereof, by so much of section nine thereof as relates to rules and regulations prescribing the qualifications for registration under said chapter, by section twelve thereof in so far as said section requires a transcript of the evidence, taken at a hearing on the question of rescission of suspension or revocation of registration of any registrant and his or its reinstatement, to be submitted to the commission and such rescission and reinstatement to be approved by it, and in so far as said section applies to the annulment of the revocation of registration of any registrant for or in connection with a conviction of larceny and his or its reinstatement,

G. L. (Ter. Ed.), 25, § 12A amended.

Securities division, director, etc.

by section twelve A thereof, and by section thirteen thereof in so far as said section applies to a public hearing before a majority of the members of the commission and proceedings had thereafter. The commission may employ such assistants and employees to serve in said division as may be necessary.

G. L. (Ter. Ed.), 110A, § 2, etc., amended.

SECTION 2. Paragraph (c) of section two of chapter one hundred and ten A of the General Laws, as amended by chapter three hundred and sixteen of the acts of nineteen hundred and thirty-six, is hereby amended by striking out, in the fourth and fifth lines, the words "oil, gas or mining lease or certificate of interest in or under the same" and inserting in place thereof the following: — certificate or evidence of interest in any oil, gas or mining deed, lease or rights, certificate or evidence of interest in any oil, gas or mining royalty, certificate or evidence of interest in any property represented to contain, or to be a prospect for, oil, gas or minerals and interest in or under such lands or royalties therefrom, — so as to read as follows: —

"Security", defined.

(c) "Security" shall include any evidence of indebtedness, stock, certificate under voting trust agreement, subscription or reorganization certificate, certificate in or under a profit sharing or participation agreement, certificate or evidence of interest in any oil, gas or mining deed, lease or rights, certificate or evidence of interest in any oil, gas or mining royalty, certificate or evidence of interest in any property represented to contain, or to be a prospect for, oil, gas or minerals and interest in or under such lands or royalties therefrom, warehouse receipt for alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, investment contract, currency of a government other than the United States, and, in general, any certificate or instrument representing or secured by a legal or equitable interest in the capital, assets or property of, or representing indebtedness of, any person.

G. L. (Ter. Ed.), 110A, § 2, etc., further amended.

SECTION 3. Said section two of said chapter one hundred and ten A is hereby further amended by striking out paragraph (f), as appearing in section one of chapter two hundred and ninety of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: —

"Salesman", defined.

(f) "Salesman" shall include every person employed, appointed or authorized by a broker to sell securities within this commonwealth, whether or not the person so employed, appointed or authorized receives compensation therefor.

G. L. (Ter. Ed.), 110A, § 4, etc., amended.

SECTION 4. Section four of said chapter one hundred and ten A, as so appearing, is hereby amended by striking out paragraph (g) and inserting in place thereof the following: —

Exceptions.

(g) The securities of any corporation organized under the provisions of chapter one hundred and eighty, the aggregate face value of whose outstanding securities, together with its authorized capital stock, if any, does not exceed one hundred thousand dollars.

SECTION 5. Said section four of said chapter one hundred and ten A, as so appearing, is hereby amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 110A, § 4, etc., further amended.

(j) The commission may from time to time, by order, in accordance with such rules and standards as it may prescribe, upon petition or upon its own motion, exclude from the exemptions of this section any securities or class of securities and may likewise include the same subsequently within such exemptions.

Rules and standards.

SECTION 6. Section five of said chapter one hundred and ten A, as so appearing, is hereby amended by inserting after the word "therefor" in the fifty-first line the following new paragraph:—

G. L. (Ter. Ed.), 110A, § 5, etc., amended.

The commission shall accept, in lieu of such statement, either a copy of the prospectus filed with the registration statement for the security, or a copy of the offering sheet or prospectus where no registration statement is required, and of each amendment to said prospectus or offering sheet, filed under the Federal Securities Act of 1933, as amended, or a copy of the final prospectus for the security in the form issued upon such registration statement becoming effective, or a copy of the accepted offering sheet or prospectus for the security where no registration is required, under said act; provided, that the commission may require further information, notwithstanding the acceptance as aforesaid of a copy of such a prospectus or offering sheet. The commission shall require such copy of the prospectus or offering sheet or amendment thereto so filed to be attested as a true copy in such manner as the commission may prescribe.

Prospectus to be submitted to commission.

SECTION 7. Section nine of said chapter one hundred and ten A, as so appearing, is hereby amended by striking out the last sentence.

G. L. (Ter. Ed.), 110A, § 9, etc., amended.

SECTION 8. Section ten of chapter one hundred and ten A, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following:—An applicant for original registration or, in case of a partnership or an association or corporation, a partner or officer thereof, shall appear before the commission and shall furnish under oath such further relevant information as the commission may require. The commission may at its discretion require any such applicant, or, in case of a partnership or an association or corporation, any partner or officer appearing in its behalf, to take a written examination as to the qualifications of the applicant.

G. L. (Ter. Ed.), 110A, § 10, etc., amended.

Applications, contents of.

SECTION 9. Said chapter one hundred and ten A is hereby further amended by inserting after section eleven, as so appearing, the following new section:—*Section 11A.* No foreign or domestic corporation shall sell, or offer for sale, any of its securities to any of its employees other than those who are also officers thereof, unless such corporation has received general authority in writing from the commission to make such sale; and the commission may, at any time,

G. L. (Ter. Ed.), 110A, new section 11A, added.

Limitation on sales to employees.

for cause, cancel such authority. The commission may require of the department of corporations and taxation such information as may be helpful to it in acting under this section.

G. L. (Ter. Ed.), 110A, § 12, etc., amended.

Registered broker, etc., to furnish information to commission.

SECTION 10. Said chapter one hundred and ten A is hereby further amended by striking out section twelve, as so appearing, and inserting in place thereof the following: — *Section 12.* The commission may at any time require a registered broker dealing with the public to furnish under the penalties of perjury full information as the commission may require relative to his financial condition and the conduct of his business as a broker or salesman under his present or any prior registration, and shall, at least once in every year, require such a registered broker to furnish a statement relative to his financial condition made by him under the penalties of perjury. The commission may at any time and shall, at least once in every year, require a registered salesman to furnish under the penalties of perjury full information as the commission may require relative to the conduct of his business as salesman under his present or any prior registration. If the commission has reason to believe that any information or statement so furnished by any broker is fraudulent or incorrect, it may, at its discretion, direct by express order that an examination be made of his books. Failure to comply with any such requirement of the commission within thirty days, or any extension of time which may be given by it, shall, in the absence of satisfactory explanation, be deemed prima facie evidence of fraud. Information obtained under this section shall not be available to the public.

If it appears to the commission that any registrant is or has been conducting his business as broker or salesman in a fraudulent manner, or in a manner which if continued would result in fraud, or is or has been wilfully and purposely evading or seeking to nullify the provisions of this chapter, or has violated any provision of this chapter, whether under his present registration or prior thereto, the commission, upon notice to such registrant, may suspend or revoke his registration as broker or salesman or both and, upon notice to any organization of which such registrant is a partner, trustee, director or other member of a board of management or officer, may suspend or revoke the registration of such organization. Conviction of a registrant of larceny or of a violation of any provision of this chapter shall operate forthwith to revoke the registration of the convicted registrant and that of any organization of which he may be a partner, trustee, director or other member of a board of management or officer.

If the registration of an individual registrant or of such an organization has been suspended or revoked by the commission or is revoked by operation of law except for or in connection with a conviction of larceny, the commission, after a hearing, may rescind such suspension or revocation

and reinstate such individual registrant or organization; provided, that, if this function has been delegated by the commission under section twelve A of chapter twenty-five, the transcript of the evidence at such hearing shall first be submitted to the commission and it shall approve of such rescission and reinstatement. If the registration of an individual registrant or of such an organization is revoked by operation of law for or in connection with a conviction of larceny, the commission, after a hearing, may annul the revocation of the registration of such registrant or organization and reinstate such registrant or organization. In any case where the revocation of any registration of any such organization is rescinded or annulled, such registration shall be restored if the organization so elects.

SECTION 11. Said chapter one hundred and ten A is hereby further amended by inserting after section twelve, as so appearing, the following new section: — *Section 12A.* If, under section twelve A of chapter twenty-five, the commission shall have delegated to the securities division in the department of public utilities the functions of the commission relative to making orders and findings, the commission, on its own initiative, may by order or finding modify or annul any order or finding made by the director of said division, and any interested person aggrieved thereby shall be entitled to a public hearing before the commission and a review, all as provided in section thirteen of this chapter in the case of an interested person aggrieved by any order or finding of the commission, and the provisions of said section shall apply in all respects, so far as applicable.

G. L. (Ter. Ed.), 110A, new section 12A, added.

Commission may modify, etc., orders of director.

SECTION 12. Said chapter one hundred and ten A is hereby further amended by striking out section eighteen, as so appearing, and inserting in place thereof the following: — *Section 18.* Every sale or contract of sale of any security made in violation of any provision of section five shall be voidable at the election of the purchaser, who shall be entitled to recover from the seller in an action at law, upon tender to the seller in person or in open court of the security sold, in proper form for transfer, together with the amount of all dividends, interest and other income and distributions received by the purchaser from or upon such security, the full amount paid by such purchaser for such security with interest from the date of purchase; provided, that no action shall be brought for recovery of the purchase price after two years from the date of such sale or contract of sale; and provided, further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed to accept, within thirty days from the receipt thereof, an offer in writing of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest on such amount from the date of payment to the date of repayment, such interest to be computed at the same rate as the interest or dividend rate, if any, provided for in such security, or, if

G. L. (Ter. Ed.), 110A, § 18, etc., amended.

Certain statutory and common law rights not limited.

Sales voidable in certain cases.

no such rate is so provided for, at the rate of six per cent per annum, and less in every case the amount of any income and distributions from or upon such security which may have been received by such purchaser. Except as aforesaid, no transaction involving a sale or contract of sale of any security shall be void or voidable by reason of any express or implied provision of this chapter; but nothing in this chapter shall limit any other statutory or any common law right of any person to bring any action in any court for any act involved in the sale of a security, or the right of the commonwealth to punish any person for the violation of any law, except as provided in section sixteen.

G. L. (Ter.
Ed.), 155,
§ 23A, etc.,
repealed.

SECTION 13. Section twenty-three A of chapter one hundred and fifty-five of the General Laws, inserted by section two of chapter two hundred and ninety-seven of the acts of nineteen hundred and thirty-five, is hereby repealed.

Approved June 22, 1938.

Chap. 446 AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE TO VOCATIONAL EDUCATION IN ORDER TO INCLUDE WITHIN ITS SCOPE DISTRIBUTIVE OCCUPATIONS AND TO COMPLY WITH THE PROVISIONS OF THE AMENDED FEDERAL LAWS THEREON, AND TO QUALIFY THE COMMONWEALTH TO TAKE ADVANTAGE OF THE PROVISIONS THEREOF.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 74, § 1,
amended.

Definitions.

SECTION 1. Chapter seventy-four of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 1.* The following words, as used in this chapter, shall have the following meanings unless the context otherwise requires:

“Agricultural education”, vocational education fitting pupils for occupations connected with agriculture, the care of domestic animals, forestry and other wage earning or productive work on farm land.

“Approved”, approved by the commissioner of education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils and expenditures.

“Commissioner”, the commissioner of education.

“Distributive occupations”, those followed by workers directly engaged in merchandising activities, or in direct contact with consumers, retailers, jobbers, wholesalers and others when distributing the products of farm, commerce and industry, and when managing, operating or conducting a commercial service or personal service business, or selling the services of such a business. Such phrase shall not include clerical occupations such as stenographer, bookkeeper, office clerk, or industrial workers in transportation activities.

“Distributive occupations education”, vocational education taught in part time and evening classes to workers engaged in distributive occupations.

“Evening class”, in either an independent industrial school or an independent distributive occupations school, a class giving instruction for pupils employed during the working day, and which, to be called vocational, must deal with and relate to the day employment, subject, however, to section one of chapter two hundred and six of the General Acts of nineteen hundred and eighteen.

“Household arts education”, vocational education fitting pupils for occupations connected with the household.

“Independent agricultural school”, either a distinctive organization of courses, pupils and teachers designed for agricultural education, or a separate agricultural department in a high school, offering as elective work education in agriculture approved as vocational.

“Independent distributive occupations school”, a vocational school for developing and improving skill in distributive occupations.

“Independent household arts school”, a vocational school for developing capacity for cooking, housework and other domestic occupations.

“Independent distributive occupations, industrial, agricultural or household arts school”, an approved distinctive organization of courses, pupils and teachers for all the types of vocational education herein defined.

“Industrial education”, vocational education fitting pupils for trades, crafts, and manufacturing pursuits, including occupations of girls and women in workshops.

“Net maintenance sum”, the total sum raised by taxation and expended for maintaining approved local or district independent distributive occupations, industrial, and household arts schools and independent agricultural schools, other than departments in high schools, less the amount of tuition claims, paid or not, and receipts from the labor of pupils and sale of products; provided, that in the case of Smith’s agricultural school there shall be added to the sum raised by local taxation the sum annually received by the city of Northampton from the Smith charities and expended for the maintenance of the school.

“Part time class”, a vocational class in an independent distributive occupations, industrial, agricultural, or household arts school for pupils giving part of their working time to profitable employment, and part to the class when in session, if the instruction so received is complementary to the employment, except that the time given to instruction of part time or co-operative part time students in distributive occupations classes shall not exceed in each day, week or other unit of time as approved by the commissioner, the number of hours that the pupils are employed during the same unit of time.

“Practical art class”, a separate day or a separate evening class in household and other practical arts.

“Vocational education”, education of which the primary purpose is to fit pupils for profitable employment.

G. L. (Ter. Ed.), 74, § 2, amended.

Powers of commission.

SECTION 2. Section two of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word “promote” in the first line the following:— distributive occupations,— so as to read as follows:— *Section 2.* The commissioner shall investigate and promote distributive occupations, industrial, agricultural and household arts education, and initiate and superintend the establishment and maintenance of schools for the aforesaid forms of education. He shall supervise and approve such schools as provided in sections one to thirty-seven, inclusive.

G. L. (Ter. Ed.), 74, § 3, amended.

Establishment by towns.

SECTION 3. Section three of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word “independent” in the third line the following:— distributive occupations,— so as to read as follows:— *Section 3.* Towns may, through school committees or boards of trustees elected for not more than five years, and known as local trustees for vocational education, establish and maintain independent distributive occupations, industrial, agricultural and household arts schools.

G. L. (Ter. Ed.), 74, § 4, amended.

District vocational schools.

SECTION 4. Section four of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word “Independent” in the first line the following:— distributive occupations,— so as to read as follows:— *Section 4.* Independent distributive occupations, industrial, agricultural and household arts schools may be established and maintained by districts composed of two or more towns, through boards to be known as district trustees for vocational education, consisting either of the chairman and two other members of the school committees of each town, to be appointed by such committees, or of three residents of each, to be elected by the towns.

G. L. (Ter. Ed.), 74, § 6, amended.

Advisory committees.

SECTION 5. Section six of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word “approved” in the second line the following:— independent distributive occupations,— so as to read as follows:— *Section 6.* Local and district trustees for vocational education, administering approved independent distributive occupations, industrial, agricultural or household arts schools, shall, under a scheme approved by the commissioner, appoint advisory committees composed of representatives of local trades, industries and occupations, which shall consult with and advise the trustees or other officials managing and supervising such schools.

G. L. (Ter. Ed.), 74, § 7, amended.

Admission of non-resident pupils.

SECTION 6. Section seven of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word “independent” in the second line the following:— distributive occupations,— so as to read as follows:— *Section 7.* Residents of towns in the commonwealth not main-

taining approved independent distributive occupations, industrial, agricultural or household arts schools offering the type of education desired, or children placed in such a town by the commissioner of public welfare or by the trustees of the Massachusetts training schools, may, in the sole discretion of the commissioner, be admitted to a school in another town. In making his decision, the commissioner shall take into consideration the opportunities for free vocational training where the applicant resides, the financial status of such place, the age, sex, preparation, aptitude and previous record of the applicant, and other relevant circumstances.

SECTION 7. Section nine of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word "independent" in the second and third lines the following: — distributive occupations, — so as to read as follows: — *Section 9.* The commonwealth shall annually

G. L. (Ter. Ed.), 74, § 9, amended.

pay one half the net maintenance sum to towns maintaining approved local or district independent distributive occupations, industrial, agricultural or household arts schools, except agricultural departments in high schools.

State reimbursement.

SECTION 8. Section thirteen of said chapter seventy-four, as so appearing, is hereby amended by inserting after the word "classes" in the second line the following new sentence: — Independent distributive occupations schools may offer instruction in part time and evening classes only, — so as to read as follows: — *Section 13.* Independent industrial,

G. L. (Ter. Ed.), 74, § 13, amended.

agricultural and household arts schools may offer instruction in day, part time and evening classes. Independent distributive occupations schools may offer instruction in part time and evening classes only. Attendance upon such day or part time classes shall be restricted to those over fourteen years of age; and upon such evening classes, to those over sixteen years of age.

Day, part time and evening classes.

SECTION 9. Said chapter seventy-four is hereby further amended by striking out section nineteen, as so appearing, and inserting in place thereof the following: — *Section 19.* The commissioner shall co-operate with the office of education, Department of the Interior, in the administration of the act of congress, approved February twenty-third, nineteen hundred and seventeen, and acts in amendment thereof and in addition thereto, relating to vocational education in agriculture, distributive occupations, household arts, and trades and industries, and secure for the commonwealth the benefits thereof.

G. L. (Ter. Ed.), 74, § 19, amended.

Co-operation with federal authorities.

SECTION 10. Section twenty-one of said chapter seventy-four, as so appearing, is hereby amended by striking out, in the second and in the fifth lines, the word "act" and inserting in place thereof, in each instance, the word: — acts, — so as to read as follows: — *Section 21.* Subject to the following section, the funds received under said acts of congress mentioned in section nineteen shall be paid out, on

G. L. (Ter. Ed.), 74, § 21, amended.

Expenditure of federal funds.

requisition of the commissioner, as reimbursement for expenses already incurred, to approved schools and classes entitled to receive them under said acts.

G. L. (Ter. Ed.), 74, § 22, amended.

Powers of commissioner in disposal of federal funds.

SECTION 11. Section twenty-two of said chapter seventy-four, as so appearing, is hereby amended by striking out, in the second line, the word "act" and inserting in place thereof the word:—acts,—and by inserting after the word "teachers" in the tenth line the following:—; or, (5) for travel as provided for under said acts of congress,—so as to read as follows:—*Section 22.* The commissioner may use the funds received under said acts of congress mentioned in section nineteen as supplementary to state aid for salaries of teachers of vocational subjects in schools complying therewith. He may also use such funds (1) for salaries of teachers giving types of training selected by him as especially needing stimulus; or, (2) for courses for the preparation of teachers of vocations selected by him; or, (3) to arrange with schools and colleges to give the proper types of training to teachers of vocations under his supervision; or, (4) to enable local school authorities to conduct, under his supervision, classes for the training of vocational teachers; or, (5) for travel as provided for under said acts of congress. Such payments shall be subject to conditions prescribed by him.

G. L. (Ter. Ed.), 74, § 22A, amended.

Duties of state board for vocational education relative to vocational rehabilitation.

SECTION 12. Section twenty-two A of said chapter seventy-four, as so appearing, is hereby amended by striking out, in the third line, the words "federal board for vocational education" and inserting in place thereof the following:—office of education, Department of the Interior,—so as to read as follows:—*Section 22A.* The state board for vocational education, established by section six A of chapter fifteen, is hereby directed to co-operate with the office of education, Department of the Interior, in carrying out the provisions of the act of congress mentioned in said section six A; to establish and maintain, or to assist in establishing or maintaining, such courses of vocational training as it may deem advisable and necessary for the vocational rehabilitation of persons disabled in industry or otherwise; to grant federal funds in its control, subject to conditions prescribed by it, as money supplementary to state aid, in the maintenance of vocational rehabilitation courses in schools or institutions supported wholly or in part by the commonwealth; to establish and maintain under its supervision such courses as it may deem advisable for the preparation of instructors of vocational rehabilitation courses; to appoint such agents and assistants as may be necessary to administer the provisions of this section and said act of congress in this commonwealth; to fix the compensation of such agents and assistants and to direct the disbursement and administer the use of all funds provided by the federal government and this commonwealth for the vocational rehabilitation of such persons, and in conjunction with the department of industrial accidents to

formulate a plan of co-operation in accordance with the provisions of said act of congress, such plan to become effective when approved by the governor.

SECTION 13. Section six A of chapter fifteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the words "federal board for vocational education" and inserting in place thereof the words:— office of education, Department of the Interior,— so as to read as follows:— *Section 6A.* The commissioner and the advisory board of education are hereby constituted and designated as the state board for vocational education to co-operate with the office of education, Department of the Interior, in the administration of the act of congress approved June second, nineteen hundred and twenty, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry and otherwise and their return to civil employment" and to secure for the commonwealth the benefits thereof. For the purpose of carrying out the provisions of section twenty-two A of chapter seventy-four the said state board for vocational education shall be furnished with suitable quarters in the state house and may expend for salaries and other necessary expenses such amount as shall annually be appropriated therefor by the general court, together with any funds received by the state treasurer from the federal government under the provisions of said act.

G. L. (Ter. Ed.), 15, § 6A, amended.

State board for vocational education.

SECTION 14. This act shall be inoperative during such time as the federal government fails to appropriate money for the purposes thereof. In case the federal government reduces the amount of its appropriation for such purposes the amount or amounts to be appropriated therefor by the commonwealth and by the several cities and towns thereof shall be proportionately reduced.

Operation of act.

Approved June 22, 1938.

AN ACT PROVIDING FOR THE PAYMENT OF A RETIREMENT ALLOWANCE TO WILLIAM L. ASHLEY UNDER THE STATE RETIREMENT SYSTEM.

Chap. 447

Be it enacted, etc., as follows:

William L. Ashley, who was employed by the commonwealth on the New Bedford-Fairhaven bridge, so called, from June twenty-seventh, nineteen hundred and thirty, until August first, nineteen hundred and thirty-seven, and who had previously been employed by the city of New Bedford on said bridge since May twentieth, nineteen hundred and eighteen, shall, upon the effective date of this act, be entitled to receive the retirement allowance to which he would have been entitled if he had become a member of the state retirement system on said June twenty-seventh, nineteen hundred and thirty, when the control and maintenance of said bridge was taken over by the commonwealth; provided, that he deposits in the annuity fund of said system

such amount as the state board of retirement may determine in order to establish an account in said annuity fund in an amount equal to that which the amount of such account would have been if he had become a member of said system on said June twenty-seventh, nineteen hundred and thirty. For the purpose of computing the retirement allowance of said William L. Ashley under this act, his entire service in the employ of the city of New Bedford on said bridge shall be counted as state service.

Approved June 22, 1938.

Chap. 448 AN ACT TO ESTABLISH WITHIN THE DEPARTMENT OF LABOR AND INDUSTRIES A TEMPORARY COMMISSION ON APPRENTICE TRAINING AND DEFINING THE POWERS AND DUTIES OF SAID COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the department of labor and industries a commission to set up and promulgate a program of voluntary apprenticeship, to be known as the Massachusetts commission on apprentice training, in this act called the commission. The commission shall consist of seven members, three of whom shall be persons who, on account of previous vocation, employment, occupation or affiliation, can be classed as employers, three of whom shall be persons, who, on account of previous vocation, employment, occupation or affiliation can be classed as employees, the seventh member being chosen by the commissioner of education from within the department of education. The three employer members and the three employee members shall be appointed by the commissioner of labor and industries. Each member of the commission shall receive from the commonwealth his actual expenses for necessary travel, but shall not receive compensation. The commission shall elect one of its members as chairman. The commission shall meet at least once a month and at such other times as it shall determine by its rules.

SECTION 2. The commission may appoint and fix the compensation of a secretary. Such other necessary clerks as may be required shall be assigned from the department of labor and industries by the commissioner of labor and industries. The commission may not expend for any and all purposes in any one year a sum in excess of one thousand dollars.

SECTION 3. The commission shall endeavor to create opportunities to train young people and to equip them for profitable employment and citizenship; to establish procedure within industry, with the co-operation of employers and employees and employer groups and employee organizations, to set up a program of voluntary apprenticeship under approved apprentice agreements, providing facilities for the training and guidance of young people in the art and crafts

of industry and trade with parallel instruction in related and supplementary education; to encourage and promote through private industry employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards of apprentice training; and to accomplish related ends.

SECTION 4. The commission shall establish standards for apprentice agreements and shall issue and publish such advisory regulations as may be necessary to carry out its purposes as defined in section three. The commission shall make a report, through the department of labor and industries, of its activities and findings to the general court and to the public.

SECTION 5. The term "apprentice", as used in this act, shall mean a person at least sixteen years of age, who has entered into a written agreement, in this act called an apprentice agreement, with an employer, an association of employers or an organization of employees or other agency deemed by the commission to be a responsible agency, which apprentice agreement provides for not less than four thousand hours of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through education in related and supplementary subjects.

SECTION 6. The commission shall co-operate with all federal and state agencies having to do with apprentice training, with all trade advisory committees and other organizations of employers and organizations of employees, and with school committees and other groups, to the end that it may carry out its purposes as defined in section three.

SECTION 7. This act shall become inoperative and the commission shall cease to exist on December first, nineteen hundred and thirty-nine.

Approved June 22, 1938.

AN ACT MAKING LEWIS D. BALDWIN ELIGIBLE FOR A RETIREMENT ALLOWANCE UNDER THE STATE RETIREMENT SYSTEM. Chap. 449

Be it enacted, etc., as follows:

Lewis D. Baldwin, employed by the commonwealth since June twenty-seventh, nineteen hundred and thirty, on the New Bedford-Fairhaven bridge, so called, on which date the commonwealth took over the control and maintenance of said bridge, and who had previously been employed by the county of Bristol and by the city of New Bedford on said bridge since June sixteenth, nineteen hundred and one, shall, upon the effective date of this act, become a member of the state retirement system; provided, that he deposits in the annuity fund of said system such amount as the state board of retirement may determine in order to establish an account in said annuity fund in an amount equal to that

which the amount of such account would have been if he had become a member of said system on said June twenty-seventh, nineteen hundred and thirty. For the purpose of computing his retirement allowance, the entire service of said Lewis D. Baldwin on said bridge shall be counted as state service.

Approved June 22, 1938.

Chap. 450 AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF AMERICA OF CERTAIN LANDS FOR THE PURPOSES OF THE VETERANS' ADMINISTRATION FACILITY IN THE TOWN OF RUTLAND.

Be it enacted, etc., as follows:

- SECTION 1. The consent of the commonwealth is hereby granted to the acquisition by the United States of America, by condemnation as an addition to the reservation of the Veterans' Administration Facility in the town of Rutland, of a certain tract of land situated in said town and bounded and described as follows:— Beginning at a point in the westerly side of Maple avenue in the town of Rutland at land of the United States of America; thence south seventy-three degrees, fifty-eight minutes west seven hundred and seventy-five and three tenths feet by land of the United States of America to a stone bound; thence north fifteen degrees, sixteen minutes west three hundred and eighty and twenty-three hundredths feet by land of the United States of America to a stone bound; thence north sixty-two degrees, forty-seven minutes east one hundred and six and one hundredth feet by land of the United States of America to a stone bound; thence north seventy-three degrees, fifty-eight minutes east four hundred and sixty-eight feet by land of the United States of America to a stone bound; thence north eighty-four degrees, thirty-three minutes east two hundred and one tenth feet by land of the United States of America to a stone bound at said westerly line of Maple avenue; thence turning and running southeasterly by said westerly line of Maple avenue about three hundred and sixty-five feet to the point of beginning; said tract of land being a part of the premises conveyed to The Central New England Sanatorium Inc. by deed dated July fifth, nineteen hundred and twenty-one, and recorded with Worcester district registry of deeds, Book 2255, Page 438.

SECTION 2. Jurisdiction over said land is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over the land so acquired, insofar that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said land and all processes for the collection of taxes levied under authority of the laws

of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this consent and cession had not been granted.

Approved June 22, 1938.

AN ACT DISSOLVING LIBRARY BUREAU MUTUAL AID ASSO- *Chap. 451*
CIATION.

Be it enacted, etc., as follows:

SECTION 1. Library Bureau Mutual Aid Association, a Massachusetts corporation incorporated under general law on January first, nineteen hundred and fifteen, is hereby dissolved, subject to sections fifty-one and fifty-two of chapter one hundred and fifty-five of the General Laws.

SECTION 2. Nothing in this act shall be construed to affect any suit pending by or against said corporation, or any suit now pending or hereafter brought for any liability now existing against the officers of said corporation, or to make valid any defect in the organization of said corporation.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by said corporation may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defense of which he might have availed himself in a suit upon the claim by said corporation, had it not been dissolved by this act.

Approved June 22, 1938.

AN ACT FURTHER REGULATING THE APPLICATION OF CER- *Chap. 452*
TAIN RETIREMENT LAWS TO CERTAIN VETERANS.

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section sixty of chapter thirty-two of the General Laws, as most recently amended by section two of chapter one hundred and two of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the second line of said paragraph, the word "thirty-seven" and inserting in place thereof the word: — thirty-nine, — so that said paragraph will read as follows: — G. L. (Ter. Ed.), 32, § 60, etc., amended.

No veteran whose employment first begins after June thirtieth, nineteen hundred and thirty-nine, shall be subject to the provisions of sections fifty-six to fifty-nine, inclusive. Application of retirement laws to certain veterans.

SECTION 2. This act shall apply to all veterans whose employment first began after June thirtieth, nineteen hundred and thirty-seven. Effect of act.

Approved June 23, 1938.

Chap. 453 AN ACT ENLARGING THE BOSTON PORT AUTHORITY AND MAKING CERTAIN OTHER CHANGES IN THE LAWS RELATIVE TO SAID AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty-nine of the acts of nineteen hundred and twenty-nine is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* There is hereby established an unpaid board to be known as the Boston Port Authority, consisting of three persons to be appointed by the governor, with the advice and consent of the council, and four persons to be appointed by the mayor of the city of Boston. Said board shall elect one of its members to act as chairman. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of seven years in the same manner as the member whose term expired. Any vacancy occurring in said board shall be filled for the remainder of the unexpired term by the governor, with the advice and consent of the council, or by the mayor, according as the original appointment was made. Any member of the board appointed by the governor as aforesaid may be removed by the governor, with the advice and consent of the council, and any member of the board appointed by the mayor may be removed in accordance with the provisions of section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine.

SECTION 2. Section two of said chapter two hundred and twenty-nine is hereby amended by striking out, in the twelfth and thirteenth lines, the words "With the assent and approval of the mayor, the" and inserting in place thereof the word: — The, — so as to read as follows: — *Section 2.* For the purposes of this act, the port of Boston is hereby defined to be all of the tide water lying westerly of a line drawn between Point Allerton on the south and the southerly end of Point Shirley on the north and all parcels of land adjacent thereto and property thereon. The board shall, from time to time, investigate any and all matters relating to the port of Boston, particularly with reference to the unification of overseas terminals, belt line connections, condition and location of piers and channels, switching, floatage, lighterage, rates, rules, regulations and practices, dockage, wharfage, water front labor conditions, grain elevator and warehouse facilities. The board may initiate or participate in any rate proceedings, or any hearings or investigations, concerning the port of Boston, before any other body or official. The board shall report annually in December, or oftener if the board deems it necessary, to the governor, the general court and the mayor.

SECTION 3. Said chapter two hundred and twenty-nine is hereby further amended by striking out section three, as

amended by section one of chapter two hundred and thirty-six of the acts of nineteen hundred and thirty, and inserting in place thereof the following: — *Section 3.* Said board shall have an office in the city of Boston and may employ a manager and such experts, counsel and other assistants and incur such other expenses, including those for advertising and publicizing the port of Boston, as it may deem necessary; provided, that chapter thirty-one of the General Laws and the rules and regulations made thereunder shall not apply to such employment or to persons so employed. All such expenses shall be paid by the city of Boston upon requisition by said board to the extent that appropriations therefor are available, but not exceeding in the aggregate in any one year the sum of one hundred thousand dollars; provided, that said board shall have the same right to incur expense in anticipation of its appropriation as if it were a regular department of said city. The commonwealth shall annually reimburse said city for one half of the money expended under authority of this section.

SECTION 4. Within thirty days after the effective date of this act one additional member of the Boston port authority, having such qualifications as are required to comply with section one, shall be appointed by the governor, with the advice and consent of the council, and one additional member of said authority, so qualified, shall be appointed by the mayor of the city of Boston, each for a term of two years; but nothing in this act shall affect the tenure of office of any of the present members of said authority.

SECTION 5. This act shall take effect upon its passage.

Approved June 23, 1938.

AN ACT AUTHORIZING THE CONVEYANCE TO THE TOWN OF
AMHERST OF CERTAIN LAND OF THE MASSACHUSETTS STATE
COLLEGE FOR USE BY SAID TOWN FOR SEWERAGE AND
SEWAGE DISPOSAL PURPOSES. *Chap. 454*

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Massachusetts State College may, in the name of the commonwealth and subject to the approval of the governor and council, convey to the town of Amherst such portion of the land of said college located on the southerly side of North Hadley road and east of Mill river in the town of Hadley as may be necessary for the purposes of said town in constructing and maintaining a system or systems of sewerage and sewage disposal under chapter four hundred and eighty-four of the acts of nineteen hundred and twelve.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1938.

Chap. 455 AN ACT RELATIVE TO THE RIGHTS OF CERTAIN INHABITANTS OF THE FORMER TOWNS OF DANA, ENFIELD, GREENWICH AND PRESCOTT TO VOTE AT THE STATE PRIMARY OR ELECTION IN THE CURRENT YEAR.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Any person registered or qualified to be registered as a voter in the town of Dana, Enfield, Greenwich or Prescott at the time the territory of said towns was annexed to other towns under authority of chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven, as amended, who, after such annexation and prior to August first in the current year, shall have removed to a municipality in the commonwealth, other than the town to which the territory on which he resided was so annexed, if upon registration he would have the right under the constitution to vote at the state primary or the state election in the current year in such last mentioned town, shall be entitled to be registered as a voter therein for the purpose of so voting, notwithstanding any lack of statutory qualifications as to residence, upon presentation to the registrars of voters thereof of a certificate of the metropolitan district water supply commission that at the time of such annexation he was registered or qualified to be registered as a voter in such town of Dana, Enfield, Greenwich or Prescott, as the case may be. Authority to issue a certificate as aforesaid is hereby granted to said commission.

Approved June 23, 1938.

Chap. 456 AN ACT RELATIVE TO THE EXPENSE OF REMOVAL AND HOSPITALIZATION OF PREGNANT FEMALE PRISONERS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 127,
§ 118,
amended.

Hospitaliza-
tion, etc., of
pregnant female
prisoners.

Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section one hundred and eighteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 118.* Whenever it appears that a female under sentence in any prison is about to give birth to a child during her term of imprisonment, the physician of the prison where she is held shall send to the commissioner a certificate of her condition, and he shall thereupon order her removal to a hospital near the institution where the prisoner is confined, but in no case shall a prisoner be removed to the state infirmary or to any penal or reformatory institution for the purpose of giving birth. A prisoner so removed shall be kept in such hospital until the physician thereof shall cer-

tify to said commissioner that she may safely be removed, whereupon the commissioner shall issue an order for her return to prison. The expense of so removing a prisoner, and all hospital expenses incidental to the giving birth, shall be paid by the commonwealth.

Approved June 23, 1938.

AN ACT RELATIVE TO A TOPOGRAPHICAL SURVEY AND A GEOLOGICAL SURVEY AND MAP OF THE COMMONWEALTH. Chap. 457

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and fifteen of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the fifth line, the word "map" and inserting in place thereof the words:— of a geological survey and map to determine and locate the natural resources, — by striking out, in the twenty-second line, the word "fifty" and inserting in place thereof the word:— sixty, — and by striking out the last sentence, — so as to read as follows:— The department of public works is hereby authorized to confer from time to time with the director or a representative of the United States geological survey and to co-operate with said survey in the preparation of a contour topographical survey and of a geological survey and map to determine and locate the natural resources of this commonwealth. Said department may arrange with said director or representative concerning all details of the work to be carried out on the part of the commonwealth. Said department is hereby authorized to receive contributions from individuals, associations, corporations or others, toward meeting the commonwealth's portion of the cost of the work herein provided for. Said contributions shall be deposited with the state treasurer and shall be available for meeting said portion of the cost of the work, without appropriation by the general court. Subject in any fiscal year hereafter to appropriation, said department may expend to meet said portion of the cost of the work such sums, in addition to available proceeds of such contributions, as will make the total expenditure of the commonwealth equal to the amount expended for said work by the United States of America, but in no event shall the total expenditure of the commonwealth, including contributions as aforesaid, exceed sixty thousand dollars in any one year.

SECTION 2. Expenditures incurred in the current fiscal year by the department of public works under authority of section one of this act, except in so far as paid from the proceeds of contributions made as provided thereunder, shall be paid from item numbered six hundred and fifty-eight of section two of chapter three hundred and fifty-six of the acts of the current year.

Approved June 23, 1938.

Chap.458 AN ACT RELATIVE TO LOANS FROM STATE SINKING FUNDS TO
CITIES AND TOWNS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 44, § 51,
etc., repealed.

Section fifty-one of chapter forty-four of the General Laws, as amended by chapter three hundred and fifty-five of the acts of nineteen hundred and thirty-four, is hereby repealed.

Approved June 23, 1938.

Chap.459 AN ACT RELATIVE TO THE CONSTRUCTION OF ADDITIONAL
SEWERS IN THE NORTH METROPOLITAN SEWERAGE DISTRICT.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions hereinafter imposed, the metropolitan district commission is hereby authorized and directed to construct a main sewer or sewers, with sewer connections, disposal or treatment works, and other works, in the valleys of the Mystic river and its tributaries, and through other territory in the cities of Medford, Somerville, Everett and Chelsea and in the Charlestown and East Boston districts of the city of Boston and in the town of Winthrop from a point at the present terminus of the north metropolitan relief sewer in said city of Medford, thence in a general easterly direction to the vicinity of the present East Boston sewage pumping station near Chelsea creek, and thence in a generally easterly and southeasterly direction in part in tide water in the East Boston district of the city of Boston and in the town of Winthrop to Deer island in the city of Boston and, for such purposes, may exercise all the powers conferred upon it by chapter ninety-two of the General Laws relative to the construction, maintenance and operation of systems of sewage disposal. For the purpose of carrying out said project, including any expenditures on account of the purchase or taking of land or damages to land occasioned by the construction hereinbefore provided for, the said commission may expend sums not exceeding, in the aggregate, four million, two hundred and thirty thousand dollars; provided, that not less than forty-one per cent of the sums so authorized to be expended are made available from grants of federal money.

SECTION 2. Said project shall not be entered into unless it is approved, as hereinafter provided, by the emergency public works commission, established under section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, and by the governor. Said emer-

agency public works commission shall, in addition to the powers and duties heretofore conferred and imposed upon it, exercise and perform the powers and duties hereinafter conferred or imposed upon it, and the provisions of said section which relate to action by said commission shall apply in the case of action under this act. Said project, when so approved, shall be carried out in all respects subject to the provisions of the appropriate federal law providing for construction of projects of that class, and the rules and regulations made pursuant thereto, and to such terms, conditions, rules and regulations, not inconsistent with such federal laws and rules and regulations, as said commission may establish, with the approval of the governor, to ensure the proper execution of said project. The commonwealth may accept and use for carrying out said project so approved any grant of federal funds under any federal law, authority to make application therefor being hereby granted to said emergency public works commission. For the purpose only of carrying out said project, the state treasurer may from time to time borrow, on the credit of the commonwealth, such sums, not exceeding, in the aggregate, two million, five hundred thousand dollars, and may issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued for the purpose of carrying out said project shall become due not later than such number of years from the date of the obligations of such series as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution of the commonwealth.

All obligations issued under this act shall be signed by the state treasurer and approved by the governor.

All obligations issued under this act shall be payable, as to both principal and interest, in such funds as are, on the respective dates of payment of such principal and interest, legal tender for the payment of debts due the United States of America.

All interest payments and payments on account of principal on such obligations, and the cost of maintenance and operation of the sewerage works constructed hereunder, shall be deemed to be, and shall be paid as, a part of the interest, sinking fund or serial bond requirements and costs specified in chapter four hundred and thirty-nine of the acts of eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto and affecting the same, and shall be apportioned, assessed and collected in

the manner provided by the provisions of chapter ninety-two of the General Laws relative to the north metropolitan sewerage system.

SECTION 3. No payment shall be made or obligation incurred for the carrying out of said project upon its approval by said emergency public works commission and the governor and its approval for federal aid by the proper federal authorities, until plans, specifications and contracts therefor, and alterations thereto subsequently proposed, have been approved by said commission, unless otherwise provided by such rules or regulations as said commission may make.

SECTION 4. The state treasurer shall receive all moneys granted to the commonwealth for the purpose of carrying out the project provided for by this act. Payments from the state treasury for expenditures incurred under this act shall be made upon vouchers filed with the comptroller in accordance with the procedure prescribed under section eighteen of chapter twenty-nine of the General Laws, and all other provisions of said chapter twenty-nine shall apply in the case of the project undertaken under this act or any expenditure necessary for carrying out the purposes hereof, except in so far as such provisions of law may be in conflict with applicable federal laws and regulations.

SECTION 5. The metropolitan district commission, in addition to any powers expressly given by statute, shall have such powers as may be determined and certified by the emergency public works commission to be proper and reasonably necessary to carry out said project, including the power to take property by eminent domain on behalf of the commonwealth. Said emergency public works commission is hereby authorized to make any necessary orders, rules and regulations, and perform all necessary actions under this act; and none of such orders, rules, regulations and actions shall be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

SECTION 6. In order to provide funds to carry out the project provided for under the provisions of this act, over and above the amount authorized to be borrowed by the commonwealth under said provisions, in anticipation of the receipt by the commonwealth of contributions therefor due from the federal government under agreements for grants, the state treasurer, with the approval of the governor, may borrow from time to time, on the credit of the commonwealth, such amounts as may be certified by the emergency public works commission to be necessary to provide such temporary funds, but not exceeding at the time of any such certification the balance of such federal grants then remaining unpaid, and the state treasurer may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him, with the approval of the governor. Such notes shall be issued for such maximum term of years as

the governor may recommend to the general court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth. All notes issued hereunder shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved June 28, 1938.

AN ACT AUTHORIZING THE PURCHASE OF LANDS AND THE CONSTRUCTION OF WORKS FOR IMPROVING THE DISTRIBUTION OF WATER FROM THE SOURCES OF SUPPLY TO THE METROPOLITAN WATER DISTRICT AND MORE ADEQUATELY PREVENTING POLLUTION OF THE SOURCES OF WATER SUPPLY OF SAID DISTRICT. Chap. 460

Whereas, The deferred operation of this act would, in part, defeat its purpose, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district water supply commission established under chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, hereinafter called the commission, is hereby authorized, for the purpose of improving the distribution of water from the sources of supply to the metropolitan water district and more adequately preventing pollution of the sources of water supply of said district, to construct forthwith: (1) a pressure aqueduct from a point on the Wachusett aqueduct of said district at or near the terminal chamber, so-called, in the city of Marlborough, to a point on the Weston aqueduct in said district near its Sudbury dam in the town of Southborough; (2) additional pipe lines to supplement existing lines in the two Weston aqueduct siphons, so-called, in the towns of Framingham and Wayland; (3) a pressure aqueduct from a point on said Weston aqueduct at or near the terminal chamber, so-called, in the town of Weston, to a point near the Chestnut Hill pumping station in the city of Boston; (4) a pipe line from the Spot Pond south gatehouse, so-called, in the city of Medford, to the Spot Pond pumping station in the town of Stoneham; and (5) such other works as may be necessary or desirable to deliver the entire regular supply of the district from its Wachusett reservoir directly to the district, to eliminate from the watersheds of the district all sources of pollution, and to eliminate from regular use its Sudbury water supply system and its Chestnut Hill and Spot Pond distributing reservoirs.

So much of the first above-mentioned pressure aqueduct as crosses the Sudbury reservoir and so much of the other pressure aqueduct as lies east of a point near the terminal chamber, so-called, of the Weston aqueduct shall be constructed as pressure tunnels; and the entire works herein authorized shall so far as practicable be designed and con-

structed at such grade and of such capacity and otherwise that they can be used as a part of a future system of distribution by pressure conduits and tunnels for the entire distance between the terminal chamber, so-called, of the Wachusett aqueduct and various points of delivery which may later be constructed in substantial accordance with plans and recommendations of the joint board consisting of the metropolitan district water supply commission and the department of public health as contained in its report to the general court in the year nineteen hundred and thirty-seven, printed as house document number two hundred and sixty-two of the current year. The commission may for the purposes aforesaid acquire, install and operate such machinery, pumps and other appurtenances of any kind which may from time to time be found necessary or desirable for carrying out the purposes of this act.

For the purpose of providing for the future extension and improvement of the distribution system, the commission, on behalf of the commonwealth, may take by purchase or otherwise such lands and other property along or near the line of the proposed pressure conduits and tunnels as it may deem necessary or desirable in preparation for the future use of the same as a part of the water supply system.

The proposed works and appurtenances and property incidental thereto, when completed, shall be turned over to the metropolitan district commission, and shall be thereafter maintained by it as a part of the metropolitan water system under chapter ninety-two of the General Laws, with all the powers and duties conferred and imposed upon it by said chapter and conferred and imposed upon the metropolitan district water supply commission by this act.

In constructing the works authorized by this act and carrying out the provisions thereof, the commission shall proceed with the organization and in the manner provided by said chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six and by chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven, with all the powers and duties conferred and imposed thereby; and the funds provided for metropolitan water supply purposes by said chapter three hundred and seventy-five and said chapter three hundred and twenty-one are hereby made available for carrying out the purposes of this act; provided, that, except as hereinafter provided, of the total amount authorized to be expended under said chapters the commission shall not, during the period beginning December first, nineteen hundred and thirty-seven, and ending November thirtieth, nineteen hundred and forty-one, make any expenditures for any purpose whatsoever under said chapters and this act, or any of them, or enter into any contracts or incur any other liabilities for services to be performed or for materials to be furnished during said period under said chapters and this act, or any of them, which, together with any

liabilities theretofore incurred by the commission thereunder and remaining unpaid or unsatisfied as of said December first, will be in excess of the sum of ten million dollars; and provided, further, that, notwithstanding the foregoing provisions, the commission may make such additional expenditures as will not exceed the amount of the proceeds of bonds issued prior to November thirtieth, nineteen hundred and thirty-seven, and remaining unexpended as of that date.

SECTION 2. The commission, acting for and on behalf of the commonwealth, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any land, water rights, rights of way or easements, public or private, in the cities of Boston, Marlborough, Medford and Newton and the towns of Framingham, Northborough, Natick, Southborough, Stoneham, Wayland and Weston necessary or desirable for accomplishing the purposes of this act, and may construct such works under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon or go upon any private land, public way or railroad location for the purpose of constructing such works and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that it shall not take in fee any land of any railroad or railway corporation, and that it shall not enter upon or construct any works within the location of any railroad or railway corporation except at such times and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities; and provided, further, that it shall not enter upon or construct or repair any such works within the location of any state highway except at such time and in such manner and location as it may agree upon with the commissioner of the state department of public works, or, in case of failure so to agree, as may be approved by the governor and council; and provided, further, that any work done under this act in any street or highway shall be subject to such reasonable regulations as may be prescribed by the officers in charge of highways in the city or town in which such street or highway is located, and that in case of any dispute between the commission and any city or town the questions at issue shall be determined by the commissioner of the state department of public works.

SECTION 3. Any taking under this act may be in fee or otherwise, perpetual in duration or for a limited period of time, according as the commission shall determine and set forth in the order of taking.

All takings under this act and all proceedings in relation to or growing out of the same shall conform to chapter seventy-nine of the General Laws, except in the following particulars:

(a) The commission need make no award of damages sustained by persons or corporations in their property by any such taking.

(b) The notice required by section eight of said chapter may be given at any time within one year after the recording of the order of taking as provided in section three of said chapter.

(c) Petitions for the assessment of damages under section fourteen of said chapter may be filed within two years after the recording of the order of taking provided for in section three of said chapter. So much of section sixteen of said chapter seventy-nine, as amended, as appears after the word "vested", in the third line, shall have no application to takings under this act.

SECTION 4. The commission may at any time sell at public or private sale, or exchange or lease, any property, real or personal, or any easement or water right, whether taken by eminent domain or otherwise acquired under this act, which in the opinion of the commission is no longer needed for the purposes thereof.

SECTION 5. Whenever the commission shall dig up any street or highway as aforesaid it shall restore the same to as good order and condition as the same was in when such digging commenced, and the commonwealth shall at all times indemnify and save harmless the cities of Boston, Marlborough, Medford and Newton and the towns of Framingham, Northborough, Southborough, Stoneham, Wayland and Weston against all damages which may be recovered against them, respectively, and shall reimburse to them respectively all expenses which they shall incur, by reason of any defect or want of repair in any street or highway caused by the construction of works under this act or by the maintaining or repairing of the same; provided, that the commonwealth shall have due and reasonable notice of all claims for such damages or injury and an opportunity to make a legal defence thereto.

SECTION 6. The works and all appurtenances thereto to be constructed under this act shall be the property of the commonwealth, and the commission and the metropolitan district commission shall at all times have the right to repair the same.

SECTION 7. The supreme judicial court or any justice thereof and the superior court or any justice thereof, on the petition of the commission or of any city, town or person interested, shall have jurisdiction in equity or otherwise to enforce this act and to prevent any violation thereof, and to enforce the terms of any agreement lawfully made hereunder.

Approved June 28, 1938.

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO ACQUIRE
LAND TO PROTECT, CONSERVE AND EXTEND ITS WATER
SUPPLY SYSTEM. Chap. 461

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River may, for the purpose of protecting, conserving and extending its water supply for domestic and other purposes, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such land and buildings thereon, easements, rights of way, rights of flowage, water rights, water sources, water courses, dams, reservoirs and storage basins in said city, the towns of Westport and Dartmouth and any municipality contiguous to said Fall River, Westport or Dartmouth within the commonwealth, or in any of the foregoing municipalities, not already devoted to public water supply purposes, as it may deem advisable, but no source of water supply shall be used for domestic purposes without the approval of the department of public health. For the purposes aforesaid, said city of Fall River may construct and maintain within the limits of said municipalities, or any of them, dams, reservoirs, pumping plants, buildings, standpipes, tanks, fixtures and other structures, may make excavations, procure and operate machinery and may provide such other means and appliances and do such other things as may be necessary; and may construct pipe lines, wells and reservoirs and establish pumping works and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and public or other ways, and along such ways, in said municipalities, or any of them, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, said city may dig up or raise or embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done on such ways shall be subject to the direction of the mayor and city council or the selectmen of the municipality in which such way is located; and provided, further, that said city of Fall River shall not enter upon, construct or lay any pipes, conduits, mains, aqueducts or other works hereunder within the location of any railroad corporation except at such times and in such manner as it may agree upon with such corporation or, in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 2. For the purpose of paying the necessary expenses and liabilities incurred or to be incurred under this act, excluding expenses of maintenance and operation, but including, without limitation, the proportion of any expenses to be paid by said city in connection with any

project of the federal government of a kind for which, if undertaken by said city, a borrowing hereunder would be authorized, said city may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, seventy-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face, Fall River Water Loan, Act of 1938. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred hereunder shall be outside the statutory limit of indebtedness, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1938.

Chap. 462 AN ACT EMPOWERING INDUSTRIAL DISEASE REFEREES TO MAKE A MORE COMPLETE STUDY OF CASES AND MORE COMPLETE REPORTS TO THE INDUSTRIAL ACCIDENT BOARD.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 152,
§ 9B, etc.,
amended.

Industrial
disease
referees.

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section nine B, inserted by chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — *Section 9B.* In any case where, at the time of filing a claim for compensation, an employee is claiming to be disabled as a result of an injury by industrial disease, or where there is a claim that death resulted from an injury by industrial disease, one or more members of the industrial accident board may appoint three impartial physicians who shall be known as industrial disease referees. The insurer shall reimburse the department for the fees and other expenses of such referees, subject to the approval of the department as to amounts. Said referees shall examine the employee if living, and may examine the body of the employee, if deceased; may consider and study all pertinent medical and hospital records and other information relative to the claim in question submitted to them by said member or members; may inspect the place or places of the employment in question and make such further investigation as they deem necessary; and shall make to the department a complete report, which shall include the results of their study, together with their diagnosis and their opinion as to the extent and cause of disability, if any. A majority vote of the referees shall determine the form and substance of the report, which shall be binding on the parties and be included in the decision of the single

member and of the reviewing board; provided, that the single member or the reviewing board may refer the matter back to said referees for further investigation and report.

Approved June 28, 1938.

AN ACT PROVIDING WATER SUPPLY FOR THE SOCIETY OF
OBLATE FATHERS FOR MISSIONS AMONG THE POOR FROM Chap. 463
THE WATER SUPPLY SYSTEM OF THE STATE INFIRMARY.

Be it enacted, etc., as follows:

SECTION 1. The Society of Oblate Fathers for Missions among the Poor, a domestic corporation, is hereby authorized to connect a six inch water main to the water main of the water system of the state infirmary in the town of Tewksbury, and to draw from said latter water main water for the use of said corporation at its buildings on and near Chandler street in said town; provided, that said corporation, by proper instrument or instruments, releases the commonwealth from all claims of said corporation against it arising out of the taking of an easement in the property of said corporation for the purpose of supplying water to said infirmary; and, provided, further, that said corporation in constructing its said water main shall not dig up any street in said town without the authority of the proper officials thereof. Said corporation may draw water for its use as hereinabove provided for a period of five years from the effective date of this act without payment of compensation to the commonwealth therefor, and thereafter for such price as may be agreed upon by the commission on administration and finance and said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1938.

AN ACT EXTENDING THE BENEFITS OF CERTAIN RETIREMENT
SYSTEMS AND MAKING CERTAIN OTHER CHANGES IN THE Chap. 464
LAWS RELATIVE TO SUCH SYSTEMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-seven D of chapter thirty-two of the General Laws, as most recently amended by section nineteen of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby further amended by adding at the end the following new paragraph: — G. L. (Ter. Ed.), 32, § 37D, etc., amended.

A member of any contributory retirement system established under this chapter who was formerly a member of any other contributory retirement system and who with- Transfer to new systems.

drew his accumulated deductions therefrom on or before July first, nineteen hundred and thirty-seven, may, on or before January first, nineteen hundred and thirty-nine, or within one year after becoming such member, whichever is the later date, deposit in the annuity savings fund of the system of which he is a member a sum equal to the amount which he withdrew from such other system, together with interest thereon, to be computed as hereinafter provided. Such payment may be made either in (1) one sum, with interest thereon at three per cent from the date when he shall have become such member, or (2) by a deposit, within the time limit hereinbefore set forth, of not less than twenty-five dollars, and thereafter by equal monthly instalments over a period of not more than five years, but in no event to extend beyond the date upon which he attains age sixty, such instalments to be deducted with each regular deduction from his salary or wages for the retirement fund and to be in such amounts that at the end of the period hereinbefore referred to his total payments, with interest thereon at three per cent, compounded annually, shall have amounted to the sum which he might have paid in full at the time of making his initial payment, with interest thereon at three per cent, as so compounded.

G. L. (Ter. Ed.), 32, new section 37F, added.

Payments into annuity funds to offset period of prior non-contributory service.

SECTION 2. Said chapter thirty-two is hereby further amended by inserting after section thirty-seven E, inserted by section twenty of said chapter three hundred and thirty-six, the following new section:— *Section 37F*. A member of any contributory retirement system established under this chapter who, within five years prior to becoming such a member, was in the employ of any governmental unit within the commonwealth, other than that by which he is presently employed, for a period during which such other unit had no contributory retirement system, may, within one year after becoming such a member, pay into the annuity savings fund of the system of which he is a member an amount equal to the assessments which he would have paid during the period of his service with such other unit, not exceeding ten years immediately prior to his separation therefrom, if the system of which he is a member had been in operation in such other unit during such period of service and if such service had been rendered in a position subject to such system, together with interest at three per cent, compounded annually, for the period during which assessments would have been so paid. Such payment may be made either (1) in one sum, with interest thereon at three per cent from the date when he became a member, or (2) by a deposit within said year of not less than twenty-five dollars, and thereafter by equal monthly instalments over a period of not more than five years, but in no event to extend beyond the date upon which he attains age sixty, such instalments to be deducted with each regular deduction from his salary or wages for the retirement fund, and to be in such amounts that at the end of the period hereinbefore

referred to his total payments, with interest thereon at three per cent, compounded annually, shall have amounted to the sum which he might have paid in full at the time of making his initial payment, with interest thereon at three per cent, as so compounded.

SECTION 3. Section twenty of said chapter thirty-two, as amended, is hereby further amended by striking out the paragraph defining "Employee", as appearing in chapter two hundred and seventeen of the acts of the current year, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 32, § 20, etc., amended.

"Employee", any person who is regularly employed in the service of and, except in the case of a register of probate, whose salary or compensation is paid by the county or hospital district, including officials and public officers so paid, whether employed or appointed for stated terms or otherwise, except members of the judiciary and teachers in the public schools, as defined by sections six and seven, whether employed on a full-time or part-time basis or as exchange teachers. In all cases of doubt the board shall decide who is an employee.

"Employee" defined under county systems.

SECTION 4. Section twenty-six of said chapter thirty-two is hereby amended by striking out the definition of "Employee", as appearing in section eleven of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 32, § 26, etc., amended.

"Employee", any person who is regularly employed in the service of, and whose salary or compensation is paid by, the city or town, including members of the police and fire departments and other officials or public officers so paid, whether employed or appointed for stated terms or otherwise, except teachers in the public schools, as defined by sections six and seven, whether employed on a full-time or part-time basis or as exchange teachers. In all cases of doubt the board shall decide who is an employee.

"Employee" defined under city and town systems.

SECTION 5. Section thirty-one F of said chapter thirty-two, as most recently amended by section one of chapter two hundred and eighty-four of the acts of the current year, is hereby further amended by striking out clause (c), as appearing in said section one of said chapter two hundred and eighty-four, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 32, § 31F, etc., amended.

(c) One person who shall be a member of the system, to be elected by the members thereof, under the direction of the retirement board, in a manner to be determined, in a city, by the mayor or, in a town, by the selectmen, to serve for a term of one year from the said date and until the qualification of his successor.

Membership of board.

SECTION 6. Said section thirty-one F of said chapter thirty-two, as amended as aforesaid, is hereby further amended by striking out paragraph (2) and inserting in place thereof the following:—

G. L. (Ter. Ed.), 32, § 31F, etc., amended.

(2) As the term of a member provided for by clause (b) or by clause (c) expires, his successor shall be appointed or

Term of members of board.

Vacancies.

elected, as the case may be, in the manner above provided, to serve for a term of three years, and until the qualification of his successor. If a vacancy occurs in the office of a member of either such class for any cause other than the expiration of his term of office, a successor to such member shall be appointed or elected, as the case may be, in the manner above provided, for the unexpired term.

Approved June 28, 1938.

Chap.465 AN ACT RELATIVE TO THE PAYMENT BY CITIES AND TOWNS OF THE EXPENSE OF THE FUNERAL AND BURIAL OF CERTAIN POOR AND INDIGENT PERSONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 117, new section 18A, added.

Payment of funeral, etc., expenses of certain poor persons.

Chapter one hundred and seventeen of the General Laws is hereby amended by inserting after section eighteen, as amended, the following new section:— *Section 18A.* In case of the decease of a poor and indigent person over the age of twelve years, the town liable for his burial shall pay for the expense of the funeral and burial of such person the sum of one hundred dollars; provided, that the deceased left no estate and that his kindred are unable to pay for his decent burial; and provided, further, that the funeral director engaged in conducting the funeral and burial of said deceased person shall perform the services and furnish the materials in connection therewith as follows:— removal of body; procuring of death certificate and burial permit; embalming and dressing of body; furnishing suitable burial garment; furnishing suitable casket, bearing metal plate with name of deceased engraved thereon; furnishing outer case of pine wood; furnishing hearse for transporting body of the deceased to a cemetery within a distance of ten miles; furnishing conveyance for transporting to such cemetery the immediate family of the deceased; and procuring of a clergyman, of the religion that the deceased professed, to officiate at the funeral.

Approved June 28, 1938.

Chap.466 AN ACT AUTHORIZING THE TOWN OF NORWOOD TO BORROW MONEY FOR HIGH SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of constructing an addition to its senior high school and originally furnishing and equipping said addition, the town of Norwood may borrow from time to time, within a period of five years from the effective date of this act, such sums of money as may be necessary, not exceeding, in the aggregate, two hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Norwood Senior High School Loan, Act of 1938; and may expend in addition thereto, or in conjunction therewith, any federal funds allocated to said town for said purposes. Each authorized issue shall con-

stitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at any town meeting held within three years after its passage, in the form of the following question which shall be placed, in case of an annual meeting, upon the official ballot to be used for the election of town officers, or, in case of a special meeting, upon the ballot to be used at such meeting: "Shall an act passed by the general court in the year nineteen hundred and thirty-eight, entitled 'An Act authorizing the Town of Norwood to Borrow Money for High School Purposes', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved June 28, 1938.

AN ACT RELATIVE TO THE AMOUNT OF BONDS TO BE EXERCUTED BY CERTAIN RECIPIENTS OF OLD AGE ASSISTANCE. *Chap. 467*

Be it enacted, etc., as follows:

Section four of chapter one hundred and eighteen A of the General Laws, as appearing in section one of chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-six, is hereby amended by striking out, in the fifth and in the eleventh lines, the word "two" and inserting in place thereof, in each instance, the word: — three, — so as to read as follows:— *Section 4.* The ownership of an equity in vacant land from which no income is derived or in real estate upon which an applicant actually resides shall not disqualify him from receiving assistance under this chapter; provided, that if such equity, computed on the basis of assessed valuation, exceeds three thousand dollars in each of the five years immediately preceding his application, the board of public welfare of the town rendering such assistance, or the bureau of old age assistance established by such board, shall, through the appropriate town official, require such applicant to execute a bond in a penal sum at least equal to the amount of the equity in excess of three thousand dollars, running to the treasurer of the town, conditioned on repayment to such town of all amounts of such assistance, without interest, such bond to be secured by mortgage of the applicant's real estate. Every such bond and mortgage shall be forthwith entered for record in the proper registry of deeds or registry district of the land court, as the case may be, and the register of deeds or assistant recorder of the land court shall thereupon record or register such bond and mortgage without fee. Out of the

G. L. (Ter. Ed.), 118A, § 4, etc., amended.

Ownership of property not to disqualify applicants for old age assistance.

proceeds realized by the town from any such bond and mortgage or from the estate of a person granted assistance under this chapter, or both, the federal government, through the commonwealth, shall be reimbursed to an amount not exceeding the amount contributed by it in such case and the remainder shall be apportioned between the commonwealth and the town furnishing the assistance in proportion to the amounts of their respective contributions.

Approved June 28, 1938.

Chap. 468 AN ACT AUTHORIZING THE COUNTY OF ESSEX TO ACQUIRE
TITLE TO CERTAIN PARTS OF FOX HILL BRIDGE, SO CALLED,
AND TO RECONSTRUCT SAID BRIDGE AND ITS APPROACHES.

Be it enacted, etc., as follows:

SECTION 1. The county of Essex, acting through its county commissioners, hereinafter called the commissioners, is hereby authorized to purchase from the Eastern Massachusetts Street Railway Company, and said company to sell to said county, for the sum of one dollar the title in fee simple to so much of the Fox Hill bridge, so called, crossing the Saugus river at Western avenue in the city of Lynn and in the town of Saugus, hereinafter called the bridge, as is now owned by said company. After such purchase and sale said company shall have no claim against said county, said city, said town or the commonwealth on account of the bridge or anything done in connection therewith.

SECTION 2. After said county has acquired full title to the bridge, the commissioners are authorized, subject to the provisions of all laws which may be applicable, to reconstruct the bridge as they deem necessary to accommodate highway traffic, both on that portion of the bridge now used for such traffic and that set aside for railway purposes and, with the approval of the state department of public works, to reconstruct the approaches from the state highway at each end of the bridge; and, in connection with the reconstruction of the bridge and its approaches, to make any necessary changes in width, type of roadway, surface, gates and other appurtenances and any necessary alterations or additions to the operating equipment of the bridge.

SECTION 3. The costs and expenses incurred under this act shall not exceed the sum of thirty-five thousand dollars and shall be paid in the first instance by the county of Essex. The commissioners may borrow by a temporary loan or loans, on the credit of said county, such sums, not exceeding, in the aggregate, said amount, as may from time to time be required for the costs and expenses aforesaid, including interest, and may issue notes of said county therefor bearing interest or discounted as may be deemed advisable, and the treasurer of said county may sell such notes at public or private sale upon such terms and conditions as the commissioners may deem proper. Notes issued under authority of this section may be renewed from time to time for such

period as may be necessary. All money so borrowed shall be deposited in the county treasury of said county and the county treasurer shall pay out the same as ordered by the commissioners and shall keep a separate, accurate account of all money so borrowed and expended, including interest or discount, as the case may be.

SECTION 4. Upon completion of the reconstruction of the bridge and the approaches thereto, the commissioners shall file in the office of the clerk of the courts of said county a detailed statement, certified under their hands, of the actual costs and expenses of such reconstruction, including interest or discount, as the case may be, on all money borrowed under authority of section three. Within three months after the filing of any such statement of the costs and expenses of such reconstruction, the commissioners shall, after such notice as they may deem proper and a hearing, apportion and assess upon said county an amount equal to fifty per cent of said costs and expenses, and shall apportion and assess upon the city of Lynn an amount equal to fifty per cent of said costs and expenses. The commissioners shall file in the office of the clerk of the courts of said county the report of said apportionment and assessment. Said clerk shall forthwith transmit a true and attested copy thereof to the mayor of said city, and the said city shall pay its proportion of said costs and expenses, determined by the commissioners as aforesaid, into the county treasury of said county within sixty days thereafter; and if said city shall refuse or neglect to pay its proportion determined as aforesaid the commissioners shall, after notice to said city, issue a warrant against said city for its proportion determined as aforesaid, with interest and costs of the notice and warrant, and the same shall be collected in the same manner as executions in actions at law, and paid into the county treasury of said county. For the purpose of paying said county's ultimate share of said costs and expenses, said county treasurer, with the approval of the commissioners, may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, seventeen thousand five hundred dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, County of Essex, Fox Hill Bridge Loan, Act of 1938. Such loans shall be payable by such annual payments, beginning not more than one year after the respective dates thereof, as will extinguish each loan within five years from its date, and the amount of such annual payment in any year shall not be less than the amount of the principal of the loan payable in any subsequent year. Each authorized issue shall constitute a separate loan. For the purpose of paying the amount assessed against said city of Lynn, said city may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, seventeen thousand five hundred dollars, and may issue bonds or notes therefor, which shall bear on their face the words, City of

Lynn, Fox Hill Bridge Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be payable within twenty years from their dates. Indebtedness incurred by said city under this act shall be in excess of the statutory limit, but shall, except as otherwise provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof. Said county and said city may each sell its said securities at public or private sale upon such terms as it may deem proper, but not for less than their par value. The proceeds of bonds or notes issued by said county under this section shall be used only to pay notes issued under section three or for reconstructing the bridge and the approaches thereto, and the proceeds of bonds or notes issued by said city under this section shall be paid into the county treasury of said county to be applied to the payment of the notes issued by said county under section three. The amount to be permanently assessed upon said county and said city shall be the balance after deducting from the total costs and expenses of the work authorized by this act so much of such costs and expenses as shall be paid from funds contributed therefor by the commonwealth, and the amount to be apportioned and assessed upon said county and upon said city, respectively, shall in each instance be fifty per cent of said balance.

SECTION 5. Nothing contained in this act shall affect or impair the rights granted to the metropolitan water board, one of the predecessors of the metropolitan district commission, by chapter six hundred and thirty-one of the acts of nineteen hundred and eleven with respect to the water pipe now supported on the westerly side of the bridge.

SECTION 6. After said county has acquired from the Eastern Massachusetts Street Railway Company its title to a portion of the bridge, as provided in section one, the commissioners shall have full control of the entire bridge. Fifty per cent of the cost of maintaining and operating the bridge shall be paid by the county of Essex, and the remaining fifty per cent shall be paid in the first instance by said county and shall be apportioned and assessed upon the city of Lynn. On or before January tenth in each year, the commissioners shall submit to said city a true statement of the cost of maintenance and operation of the bridge prior to January first of said year which has not theretofore been included in a statement so submitted, and within thirty days after the submission of such statement said city shall pay into the county treasury of said county said city's proportion of said cost as shown in the statement. If said city shall neglect or refuse to pay the same, the commissioners shall, after notice to said city, issue a warrant therefor, and such proportion of said cost, with interest and costs of the notice and warrant, shall be collected in the same manner as executions in actions at law and be paid into the county treasury of said county to be applied toward the payment of said

costs. Any provision of section six of chapter six hundred and thirty-one of the acts of nineteen hundred and eleven inconsistent herewith shall not apply after the acquisition of title to the bridge by said county as hereinbefore provided.

SECTION 7. This act shall take full effect upon its acceptance, during the current year, by the county commissioners of the county of Essex, but not otherwise.

Approved June 28, 1938.

AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.

Chap. 469

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and fifty-one A of the General Laws, as appearing in section one of chapter four hundred and twenty-one of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out subsection (k) and inserting in place thereof the following subsection: —

G. L. (Ter.
Ed.), 151A,
§ 1, etc.,
amended.

(k) "Quarterly wage", the amount of wages of an employee in a quarter from one or more employers in any employment, allocated to such quarter in such manner as the commission shall prescribe. If wages in any one quarter are in excess of four hundred dollars such excess shall be allocated in such manner as the commission shall prescribe to those quarters within the same year in which no wages or wages less than four hundred dollars have been earned; provided, that no such allocation shall be made to any quarter as a result whereof the percentage used in computing the benefits provided in section eighteen would be greater than the percentage which would otherwise apply.

"Quarterly
wage"
defined.

SECTION 2. Said section one, as so appearing, is hereby further amended by striking out subsection (l) and inserting in place thereof the following subsection: —

G. L. (Ter.
Ed.), 151A,
§ 1, etc., further
amended.

(l) "Unemployment", an individual shall be deemed in unemployment in any week in which he performs no wage-earning service whatever, and in which he earns no wages or other pay for personal services, including net earnings from self-employment, and in which, though capable of and available for work, he is unable to obtain any suitable work and cannot reasonably return to any self-employment in which he is customarily engaged. As used in this subsection, the term "wages" shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of five dollars in any one week, and the term "services" shall not include that part of odd jobs or subsidiary work, or both, for which remuneration not in excess of five dollars in any one week is payable. Services rendered in consideration of remuneration received for relief, support

"Unemploy-
ment",
defined.

or assistance, furnished or provided by any agency of the commonwealth, or of any political subdivision thereof, charged with the duty of furnishing aid or assistance, shall not be construed as wage-earning services.

G. L. (Ter. Ed.), 151A, § 1A, etc., amended.

SECTION 3. Section one A of said chapter one hundred and fifty-one A, as so appearing, is hereby amended by striking out subsections (1) and (2) and inserting in place thereof the two following subsections: —

Employers subject to chapter.

(1) Has employed in employment subject to this chapter on some day in each of twenty weeks in the year nineteen hundred and thirty-seven or in the year nineteen hundred and thirty-eight at least eight individuals. Such employment shall constitute the employer thereof an employer hereunder as of January first of the year in which such employment occurs. The employment of four, five, six or seven individuals in employment subject to this chapter on some day in each of twenty weeks of the year nineteen hundred and thirty-eight shall constitute the employer thereof an employer hereunder as of January first of the year nineteen hundred and thirty-nine. The employment of at least four individuals in employment subject to this chapter on some day in each of twenty weeks in the year nineteen hundred and thirty-nine or in any subsequent year shall constitute the employer thereof an employer hereunder as of January first of the year in which such employment occurs; or

(2) Is subject, or who during the preceding year was subject, to Title IX of the Federal Social Security Act, so called, and who employs one or more individuals within the commonwealth in employment subject to this chapter; provided, that the commission shall exempt from this chapter those classes of employers whose inclusion would adversely affect the efficient administration and operation thereof and would tend to impair the unemployment compensation administration account without obtaining for the unemployment compensation fund any compensating advantages in connection with the payment of benefits; or

G. L. (Ter. Ed.), 151A, § 1A, etc., further amended.

SECTION 4. Said section one A, as so appearing, is hereby further amended by striking out, in the last line, the word "chapter" and inserting in place thereof the following: — chapter; or

Same subject.

(6) Has acquired the organization, trade or business, or substantially all the assets thereof, of another employer whose record of employment prior to the transfer of such organization, trade or business together with the subsequent record of employment of the employer acquiring such organization, trade or business, both employment records being within the same year, would be sufficient to constitute him an employer subject to this chapter.

G. L. (Ter. Ed.), 151A, § 4, etc., amended.

Employees' contributions.

SECTION 5. Said chapter one hundred and fifty-one A is hereby further amended by striking out the first paragraph of section four, as so appearing, and inserting in place thereof the following: — Each employee shall contribute to

the fund one per cent of that part of his wages not in excess of twelve hundred and fifty dollars earned between July first and December thirty-first, nineteen hundred and thirty-seven, and not in excess of six hundred and twenty-five dollars multiplied by the number of complete quarters remaining in the year after his employer has become an employer subject to this chapter. During each year thereafter he shall contribute one per cent of that part of his wages not in excess of twenty-five hundred dollars; provided, that such contributions shall be reduced by that part of his contributions not in excess of one per cent of his wages previously made during the same year under the unemployment compensation laws of any other state.

SECTION 6. Said section four, as so appearing, is hereby further amended by striking out the fifth paragraph.

G. L. (Ter. Ed.), 151A, § 4, etc., further amended.

SECTION 7. Said section four, as so appearing, is hereby further amended by inserting before the last paragraph the following new paragraph:—

G. L. (Ter. Ed.), 151A, § 4, etc., further amended.

Default in payment of contributions by an employer either on his own behalf or on behalf of an employee shall not in any manner adversely affect the rights of such employee otherwise eligible for benefits.

Defaults.

SECTION 8. Said chapter one hundred and fifty-one A is hereby further amended by striking out subsection (a) of section eleven, as so appearing, and inserting in place thereof the following subsection:—

G. L. (Ter. Ed.), 151A, § 11, etc., amended.

(a) The commission shall, in the year nineteen hundred and forty, report to the general court all available data on the subject of merit rating, recommending a plan or plans upon which contribution rates may be reduced in conformity with sections nine hundred and nine and nine hundred and ten, or either of said sections, of the Federal Social Security Act, so called.

Report to general court.

SECTION 9. Said chapter one hundred and fifty-one A is hereby further amended by striking out subsection (a) of section fourteen, as so appearing, and inserting in place thereof the following subsection:—

G. L. (Ter. Ed.), 151A, § 14, etc., amended.

(a) On and after July first, nineteen hundred and thirty-eight, whenever an individual who has been an employee becomes unemployed, he shall be eligible for benefits for unemployment subsequent to a waiting period of two consecutive weeks sustained within fifty-two weeks of the date of his most recent registration as unemployed and no benefits shall be or become payable during said waiting period; provided, that no further waiting period shall be required of any individual during the fifty consecutive weeks following any waiting period; and provided, further, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment. Any week of partial employment during which an employee receives remuneration in employment whether or not subject to this chapter, and which remuneration is less than his weekly benefit, shall

Benefits, how payable.

not be considered as interrupting the continuity of such two weeks and shall be counted towards said waiting period as one half of one week.

G. L. (Ter. Ed.), 151A, § 14, etc., further amended.

SECTION 10. Said section fourteen of said chapter one hundred and fifty-one A, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection: —

Waiting period.

(c) There shall not be counted towards the required waiting period of an individual any week prior to January first, nineteen hundred and thirty-eight, or any week in which he fails to comply with this section and section fifteen and subsections (a) and (b) of section sixteen.

G. L. (Ter. Ed.), 151A, § 14, etc., further amended.

SECTION 11. Said section fourteen of said chapter one hundred and fifty-one A, as so appearing, is hereby further amended by adding at the end the following new subsection: —

Same subject.

(d) There may be counted toward the required waiting period of an individual any week in which he receives remuneration on a subsistence basis for services rendered to a state or federal agency designed or created to relieve unemployment.

G. L. (Ter. Ed.), 151A, § 15, etc., amended.

SECTION 12. Section fifteen of said chapter one hundred and fifty-one A, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection: —

Eligibility of beneficiaries.

(a) Except as otherwise provided in subsection (d) of section eighteen, have actually earned wages in each of two of the four quarters next but one preceding the date of his most recent registration as unemployed, such wages within the said four quarters totaling not less than one hundred and sixty dollars; or, in the alternative, have actually earned wages in each of four of the eight quarters next but one preceding the date of his most recent registration as unemployed, such wages within the said eight quarters totaling not less than two hundred and forty dollars;

G. L. (Ter. Ed.), 151A, § 16, etc., amended.

SECTION 13. Section sixteen of said chapter one hundred and fifty-one A, as so appearing, is hereby amended by striking out the first paragraph of subsection (d) and inserting in place thereof the following paragraph: —

Payments of benefits limited.

(d) If an otherwise eligible individual fails, without good cause, to apply for suitable employment whenever notified so to do by the employment office, or to accept suitable employment whenever offered him, he shall become ineligible for benefits for the week in which such failure occurred and for so many of the next four consecutive weeks as the commission shall determine from the circumstances in each case in addition to the waiting period provided in section fourteen, and the duration of benefits for unemployment to which the employee would otherwise have been entitled may thereupon be reduced for so many weeks, not exceeding four, as the commission shall determine from the circumstances of each case.

SECTION 14. Said section sixteen, as so appearing, is hereby further amended by adding at the end the following new subsection: —

G. L. (Ter. Ed.), 151A, § 16, etc., further amended.

Same subject.

(f) For the purposes of this section and of sections fourteen, fifteen and eighteen, a week of unemployment of an individual shall be counted toward the waiting period or for benefit purposes only if such week occurs subsequent to the date on which his employer satisfied the conditions which rendered him an employer subject to this chapter.

SECTION 15. Said chapter one hundred and fifty-one A is hereby further amended by striking out section seventeen, as so appearing, and inserting in place thereof the following section: — *Section 17.* Except as provided in subsection (d) of section eighteen, an individual unemployed and otherwise eligible for benefits shall be paid benefits for each week of unemployment at the rate of one twenty-sixth of his highest quarterly wage not exceeding four hundred dollars during the seven quarters next but one preceding the quarter in which he most recently registered as unemployed. If the weekly benefit so calculated includes a fractional part of a dollar, the weekly benefit shall be raised to the next higher dollar. Notwithstanding the foregoing, no weekly benefit shall be less than five dollars or more than fifteen dollars. No fractional benefit shall be paid except as a final benefit payment under said subsection (d) of section eighteen. If such final fractional benefit includes a fractional part of a dollar, it shall be raised to the next higher dollar.

G. L. (Ter. Ed.), 151A, § 17, etc., amended.

Minimum weekly benefits.

SECTION 16. Said chapter one hundred and fifty-one A is hereby further amended by striking out subsection (a) of section eighteen, as so appearing, and inserting in place thereof the following subsection: —

G. L. (Ter. Ed.), 151A, § 18, etc., amended.

(a) The aggregate amount of benefits an individual may receive shall be limited by the amount of his quarterly wages against which benefits have not been charged as provided in subsection (b) of this section. Each eligible individual shall receive benefits not exceeding the sum of his "normal benefits", "extended benefits" and "additional benefits".

Normal, extended and additional benefits.

Except as otherwise provided in subsection (d) of this section, "normal benefits" shall be twelve and one half per cent of the total of the quarterly wages, not exceeding four hundred dollars in any one quarter, of the seven quarters next but one preceding the most recent registration of such individual as unemployed.

"Extended benefits" shall be three per cent of the total of the quarterly wages, not exceeding four hundred dollars in any one quarter, of the sixteen quarters next preceding the seven quarters hereinbefore referred to.

"Additional benefits" shall be two per cent of the total of the quarterly wages, not exceeding four hundred dollars in any one quarter, of any quarters prior to the twenty-three quarters hereinbefore referred to.

G. L. (Ter. Ed.), 151A, § 18, etc., further amended.

SECTION 17. Said section eighteen, as so appearing, is hereby further amended by striking out subsection (d) of said chapter one hundred and fifty-one A, and inserting in place thereof the following subsection:—

Same subject.

(d) After benefit payments to an individual have started, and within the time during which no further waiting period is required by subsection (a) of section fourteen, no date of registration as unemployed occurring during such time shall be considered in the computation of benefits and there shall be no redetermination (1) of his weekly benefit rate, (2) of the aggregate number of benefits available to him, or (3) of his eligibility under subsection (a) of section fifteen, unless such aggregate number of full weekly benefits shall have been entirely paid within such time. In such case after the expiration of the quarter in which the individual first registered as unemployed further “normal benefits” shall be made available to the extent of twelve and one half per cent of the total of the quarterly wages, not exceeding four hundred dollars, of the quarter next preceding such registration. Upon the expiration of the quarter succeeding such registration further “normal benefits” shall be made available to the extent of twelve and one half per cent of the total of the quarterly wages, not exceeding four hundred dollars, of the quarter in which he registered. Any such benefit thus made available shall be payable for such weeks in which he remains or has remained otherwise eligible for benefits.

Notwithstanding any of the foregoing, “normal benefits” as provided in this section shall not exceed three hundred dollars.

G. L. (Ter. Ed.), 151A, § 26, etc., amended.

SECTION 18. Section twenty-six of said chapter one hundred and fifty-one A, as so appearing, is hereby amended by striking out the third sentence, so as to read as follows:—

Benefit claims.

Section 26. Benefit claims shall be filed at the employment office at which the claimant has registered as unemployed. Such claims shall be filed in such form, at such time and in such manner as the commission shall prescribe. Failure to make a claim within the time limited by the commission shall not bar proceedings under this chapter if such failure, in the discretion of the commission, was occasioned by mistake or other reasonable cause, or if the employer or other interested parties were not prejudiced by the delay.

G. L. (Ter. Ed.), 151A, new sections 52–54, added.

Penalty for failure of employer to report.

SECTION 19. Said chapter one hundred and fifty-one A, as so appearing, is hereby further amended by adding at the end the following three new sections:— *Section 52.* If any employer shall wilfully fail or refuse to make any report or return as required by any provision of this chapter or of the rules and regulations of the commission made under authority of this chapter, the commission may estimate the liability of such employer from any available information and may assess upon, and collect from, such employer the contributions, penalties and interest due from him to the commonwealth.

Section 53. The commission may provide for the payment, to such person or persons as the commission finds entitled thereto, of benefits due a deceased person for the allowance of whose will or for the administration of whose estate no petition has been filed within thirty days after his death, and every such payment shall be a valid payment to the same extent as if made to the legal representatives of the deceased.

Payment due to estates of deceased persons.

Section 54. The commission may prescribe to what extent any ruling or decision may be applied without retroactive effect.

Application of rulings.

SECTION 20. So far as applicable, and except as herein-after provided, this act shall take effect as of January first, nineteen hundred and thirty-eight; provided, that sections one, six, nine and fifteen hereof shall take effect on July first, nineteen hundred and thirty-eight.

Effective date.

Approved June 29, 1938.

AN ACT SUSPENDING FROM JULY FIRST, NINETEEN HUNDRED AND THIRTY-EIGHT, THROUGH JUNE THIRTIETH, NINETEEN HUNDRED AND THIRTY-NINE, CERTAIN PROVISIONS OF THE UNEMPLOYMENT COMPENSATION LAW RELATING TO EMPLOYEE CONTRIBUTIONS, AND ESTABLISHING THE RATIO OF PERCENTAGES OF EMPLOYEE AND EMPLOYER CONTRIBUTIONS ON AND AFTER JULY FIRST, NINETEEN HUNDRED AND THIRTY-NINE.

Chap. 470

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The provisions of section four of chapter one hundred and fifty-one A of the General Laws, in so far as they require employee contributions to the unemployment compensation fund and the withholding, recording and transmission of such contributions by the employer, shall be inoperative and of no effect during the period commencing on July first, nineteen hundred and thirty-eight and ending on June thirtieth, nineteen hundred and thirty-nine; provided, that nothing herein shall be deemed to relieve any employer from any duty otherwise imposed upon him by said chapter one hundred and fifty-one A.

Temporary suspension of certain provisions of the unemployment compensation law.

SECTION 2. Said section four of said chapter one hundred and fifty-one A is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

G. L. (Ter. Ed.), 151A, § 4, amended.

The percentages of employee and employer contributions established under this and the preceding section shall, on and after July first, nineteen hundred and thirty-nine, bear the same ratio to each other as they did in the first six months of the year nineteen hundred and thirty-eight.

Ratio of contributions.

SECTION 3. This act shall take effect on July first of the current year.

Effective date.

Approved June 29, 1938.

Chap.471 AN ACT PROVIDING FOR THE DREDGING OF THE WEIR RIVER
IN THE TOWN OF HULL.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions herein imposed, the department of public works is hereby authorized and directed to dredge the Weir river in the town of Hull. The total cost of said work shall not exceed eighty-one thousand four hundred dollars, and no work shall be begun hereunder until there shall have been paid into the state treasury by the county of Plymouth out of the current appropriation for highways and bridges for said county the sum of ten thousand dollars, and by said town of Hull the sum of twenty-four thousand five hundred dollars, which, together with such sum, not exceeding forty-six thousand nine hundred dollars, as may hereafter be appropriated by the commonwealth, shall constitute a fund for the improvements herein authorized.

SECTION 2. For the purpose of meeting the payments required to be made by the town of Hull under this act, said town may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, twenty-four thousand five hundred dollars, and may issue notes therefor, which shall bear on their face the words, Town of Hull, Weir River Loan, Act of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid within five years from their dates. Indebtedness incurred by said town under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

Approved June 29, 1938.

Chap.472 AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO RECONSTRUCT AND WIDEN THE HIGHWAY AND THE RAILROAD BRIDGE, SO CALLED, BETWEEN THE REVERE BEACH PARKWAY AND NORTH SHORE ROAD IN THE CITY OF REVERE.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions herein imposed, the metropolitan district commission, hereinafter called the commission, is hereby authorized and directed to reconstruct,

relocate and widen the highway and the railroad bridge, so called, between the Revere Beach parkway and North Shore road in the city of Revere.

SECTION 2. The cost of the work authorized by this act to be done by the commission shall not exceed seventy-nine thousand dollars. Said cost up to the amount of fifty thousand dollars shall be paid by the commonwealth from the balance of funds appropriated for the work of widening and reconstructing Ocean avenue in said city of Revere as authorized by chapter three hundred and seventy-five of the acts of nineteen hundred and thirty-four and chapter four hundred and eighty-seven of the acts of nineteen hundred and thirty-five, and, of the balance of said cost, sixty per cent shall be paid by the commonwealth from the Highway Fund and forty per cent shall be paid by said city of Revere.

SECTION 3. When the work authorized hereunder shall have been completed, said highway and bridge shall be a city way and shall be kept in good condition and repair by said city of Revere.

SECTION 4. For the purpose of meeting payments to be made by said city of Revere under this act, said city may borrow outside its limit of indebtedness, as fixed by law, such sums as may be necessary, and may issue bonds or notes therefor, which shall be payable in not more than ten years; and such indebtedness shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 5. No work shall be begun hereunder by the commission, unless and until said city of Revere, by purchase or otherwise, has acquired title to the highway and the railroad bridge, so called, referred to in section one, and such other property as may be necessary for the purposes of this act, and has assumed liability for all damages that may be incurred hereunder. *Approved June 29, 1938.*

AN ACT TO SET FORTH IN THE FORM OF SPECIFIC AMENDMENTS OF THE GENERAL LAWS CERTAIN OF THE CHANGES MADE BY CERTAIN PROVISIONS OF LAW RELATIVE TO ABOLITION OF PARTY PRIMARIES AND PRE-PRIMARY CONVENTIONS OF POLITICAL PARTIES AND TO MAKE CERTAIN OTHER CORRECTIVE CHANGES IN THE ELECTION LAWS. Chap. 473

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-two of chapter six of the General Laws, as amended by chapter two hundred and twenty-seven of the acts of nineteen hundred and thirty-seven and as affected by chapter three hundred and eighty-four of G. L. (Ter. Ed.), 6, § 32, etc., amended.

said year, is hereby further amended by striking out the paragraph added by said chapter two hundred and twenty-seven and inserting in place thereof the following:—

Powers and
duties of state
ballot law
commission.

The commission shall render a decision on any matter referred to it, pertaining to certificates of nomination or nomination papers for any biennial or special state primaries or any biennial or special state election or to withdrawals from nominations therefor, not later than fourteen days after the last day fixed for filing objections to such certificates or papers, or for filing such withdrawals, as the case may be, under chapter fifty-three. In the event that said commission fails to render within the aforesaid period its decision on any matter so referred, the state secretary shall, notwithstanding such failure, proceed forthwith to cause to be printed the ballots for such primaries or elections.

G. L. (Ter.
Ed.), 51, § 26,
etc., amended.

SECTION 2. Section twenty-six of chapter fifty-one of the General Laws, as most recently amended by section one of chapter thirty-seven of the acts of nineteen hundred and thirty-five and as affected by said chapter three hundred and eighty-four, is hereby further amended by striking out, in the tenth line, the words "party primaries" and inserting in place thereof the words:—presidential primary,—so as to read as follows:—*Section 26.* The registrars, for the purpose of registering voters in the manner hereinafter provided, shall hold such day and such evening sessions as the town by by-law or the city by ordinance shall prescribe, and such other sessions as they deem necessary; but, except as provided in sections thirty-four and fifty, there shall be no registration of voters between ten o'clock in the evening on the twentieth day preceding, and the day following, the biennial state primary, the presidential primary and the biennial state election, nor in any city between ten o'clock in the evening on the twentieth day preceding and the day following the city election, nor in any town between ten o'clock in the evening on the Wednesday next but one preceding and the day following the annual town meeting. The time and place of registration shall be the same for male and female applicants.

Session of
registrars of
voters.

G. L. (Ter.
Ed.), 51, § 27,
etc., amended.

SECTION 3. Section twenty-seven of said chapter fifty-one, as most recently amended by section two of said chapter thirty-seven and as affected by said chapter three hundred and eighty-four, is hereby further amended by striking out, in the fourth and fifth lines, the words "party primaries" and inserting in place thereof the words:—presidential primary,—so as to read as follows:—*Section 27.* They shall hold at least one session at some suitable place in every city or town on or before the last day for registration preceding the biennial state primary and the presidential primary, and on or before the Wednesday next but one preceding a city or town primary, except a primary preceding a special city or town election.

Sessions before
primaries.

G. L. (Ter.
Ed.), 51, § 55,
etc., amended.

SECTION 4. Section fifty-five of said chapter fifty-one, as most recently amended by section one of chapter two of

the acts of nineteen hundred and thirty-six and as affected by said chapter three hundred and eighty-four, is hereby further amended by striking out the last sentence and inserting in place thereof the following:— Notwithstanding the foregoing, the voting lists to be used at presidential primaries shall be that of the year preceding, revised as aforesaid.

Voting list at presidential primaries.

SECTION 5. Chapter fifty-three of the General Laws is hereby amended by striking out section two, as most recently amended by section one of chapter thirty-two of the acts of nineteen hundred and thirty-four and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following:— *Section 2.* Except in the case of municipal nominations where a city charter or a law applying specially to a particular town otherwise provides, candidates of political parties for all elective offices, except presidential elector, shall be nominated, and delegates to conventions and members of political committees, except as provided in sections one and four of chapter fifty-two, shall be elected, in primaries or caucuses, and the nomination of any party other than a political party, in any district containing more than one ward or town, shall be made by a convention of delegates chosen by caucuses held under section one hundred and seventeen in the wards and towns of the district for which the nomination is to be made. All nominations and elections in primaries and caucuses shall be by direct plurality vote. No candidate shall be nominated, and no member of a political committee or convention delegate elected, in any other manner than is provided in this chapter or in sections one and four of said chapter fifty-two.

G. L. (Ter. Ed.), 53, § 2, etc., amended.

Nominations, how made.

SECTION 6. Section eight of said chapter fifty-three, as most recently amended by section one of chapter thirty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "principle" in the sixth line the words:— , if any, — so that the first sentence will read as follows:— All certificates of nomination and nomination papers shall, in addition to the names of candidates, specify as to each, (1) his residence, with street and number, if any, (2) the office for which he is nominated, and (3), except as otherwise provided in this section and in city charters, the party or political principle, if any, which he represents, expressed in not more than three words.

G. L. (Ter. Ed.), 53, § 8, etc., amended.

Certificates of nomination and nomination papers, contents, party designation.

SECTION 7. Said chapter fifty-three is hereby further amended by striking out section twenty-eight, as most recently amended by section two of chapter thirty-two of the acts of nineteen hundred and thirty-four and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following:— *Section 28.* State primaries shall be held on the seventh Tuesday preceding biennial state elections, city primaries on the third Tuesday preceding regular city elections, town primaries on the second Tuesday preceding town elections, primaries before all

G. L. (Ter. Ed.), 53, § 28, etc., amended.

Days and places of holding primaries.

special elections on the second Tuesday preceding such elections, and presidential primaries on the last Tuesday in April in any year in which presidential electors are to be elected; except that city primaries or preliminary elections held under general or special law before regular city elections in cities which accept section one hundred and three A of chapter fifty-four shall be held on the fourth Tuesday preceding such city elections, and except that town primaries before regular town elections in towns which have accepted said section shall be held on the fourth Tuesday preceding such town elections.

Except in Boston, primaries shall be held wholly or partly by wards, precincts or towns, as the aldermen or selectmen may designate.

G. L. (Ter. Ed.), 53, § 32, etc., amended.

SECTION 8. Section thirty-two of said chapter fifty-three, as amended by section six of chapter three hundred and ten of the acts of nineteen hundred and thirty-two and as affected by said chapter three hundred and eighty-four, is hereby further amended by striking out, in the third and sixth lines, the word "party" and inserting in place thereof, in each instance, the word: — presidential, — so as to read as follows: — *Section 32.* Ballots shall be prepared and provided, and the number thereof determined, in state and presidential primaries by the state secretary, in city and town primaries by the city or town clerk. No other ballots shall be received or counted, except that if ballots provided for a state or presidential primary are not delivered, or after delivery lost, destroyed or stolen, ballots similar as far as possible shall be provided by the city or town clerk and used at the primary. The number of ballots provided at a city or town primary shall not for any ward or town exceed one ballot of each party for each voter therein. No such ballots shall be printed in any printing establishment owned or managed by the city of Boston.

G. L. (Ter. Ed.), 53, § 34, etc., amended.

SECTION 9. Said chapter fifty-three is hereby further amended by striking out section thirty-four, as most recently amended by section one of chapter four hundred and thirty-six of the acts of the current year and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following: — *Section 34.* At the top of each ballot shall be printed the words "Official ballot of the (here shall follow the party name)". On the back of each ballot when folded shall be printed the same words, followed by the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the primary and for state or presidential primaries a facsimile of the signature of the state secretary and for city or town primaries a facsimile of the signature of the city or town clerk. Names of candidates for each elective office shall be arranged alphabetically according to their surnames except that names of candidates for renomination to state offices of which they are the elected incumbents shall be placed first, in alphabetical order, and the names of other candidates

Ballots, substance, arrangement and form.

Ballots for primaries, preparation and number.

shall follow, in like order. Names of candidates for state committees shall be arranged in accordance with the provisions of section seventeen A.

Names of candidates for ward or town committees and for delegates to conventions shall be arranged in groups in such order as may be determined by lot, under the direction of the state secretary, who shall notify each state committee and give a representative of each such committee an opportunity to be present. When necessary, groups may be printed on the ballot in two or more columns.

Against the name of a candidate for an elective office, for delegate or alternate delegate to a national convention, for delegate to a state convention, for a ward or town committee, or for a state committee, shall be printed the street and number, if any, of his residence.

Against the name of a candidate for an elective office shall be printed the statement contained in the nomination paper placing him in nomination.

No names shall be printed on a ballot other than those presented on nomination papers. Immediately following the names of candidates, blank spaces equal to the number of persons to be chosen shall be provided for the insertion of other names.

The number of persons to be voted for for the different offices shall be stated on the ballot.

The form of ballots and the arrangement of printed matter thereon shall be in general the same as that of the official state ballots, except as otherwise provided in this chapter.

SECTION 10. Section thirty-five of said chapter fifty-three, as amended by section eight of chapter three hundred and ten of the acts of nineteen hundred and thirty-two and as affected by said chapter three hundred and eighty-four, is hereby further amended by striking out, in the fifth line, the words "to a national convention" and inserting in place thereof the words:— or alternate delegates to conventions, — so as to read as follows:— *Section 35.* A cross (X) marked against a name shall constitute a vote for the person so designated. A cross in the circle at the head of a group of candidates for a ward or town committee or for delegates or alternate delegates to conventions shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, or he may insert another name and mark a cross against it. If he votes for more candidates than the number to be elected, his vote shall not be counted.

G. L. (Ter. Ed.), 53, § 35, etc., amended.

A cross to constitute a vote, etc.

SECTION 11. Said chapter fifty-three is hereby further amended by striking out section forty-one, as amended by section nine of said chapter three hundred and ten and as affected by said chapter three hundred and eighty-four, and the title immediately preceding it, and inserting in place thereof the following:— PROVISIONS APPLYING TO STATE

G. L. (Ter. Ed.), 53, § 41, etc., amended.

State primaries.

PRIMARIES. *Section 41.* Primaries shall be held for the nomination of candidates of political parties for all offices to be filled at a state election, except presidential elector, and for the election of delegates to state conventions of political parties. Sections forty-two to fifty-three A, inclusive, shall apply to such primaries.

G. L. (Ter. Ed.), 53, § 44, etc., amended.

Nomination papers, number of signatures.

SECTION 12. Said chapter fifty-three is hereby further amended by striking out section forty-four, as most recently amended by section two of chapter three hundred and seventy-three of the acts of the current year, and inserting in place thereof the following:—*Section 44.* The nomination of candidates for nomination or election at state primaries shall be by nomination papers. In the case of offices to be filled by all the voters of the commonwealth such papers shall be signed in the aggregate by at least one thousand voters, not more than two hundred and fifty to be from any one county. Such papers for all other offices to be filled at a state election, and for delegates to state conventions, shall be signed by a number of voters equal in the aggregate to five voters for each ward and each town in the district or county, but in no case shall more than two hundred and fifty be required.

G. L. (Ter. Ed.), 53, § 45, etc., amended.

Same subject.

Contents, qualifications of signers, acceptance, number of candidates.

SECTION 13. Said chapter fifty-three is hereby further amended by striking out section forty-five, as affected by said chapter three hundred and eighty-four and as most recently amended by chapter eighty-four of the acts of the current year, and inserting in place thereof the following:—*Section 45.* Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, and (3) the political party whose nomination he seeks, and, except for candidates for delegates to state conventions the paper may state, in not more than eight words, the public offices which he holds or has held, showing clearly that he is a former incumbent thereof if such is the case and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination.

Signatures shall be subject to section seven, and every voter may sign as many nomination papers for each office as there are persons to be nominated therefor or elected thereto, and no more.

A nomination paper shall be valid only in respect to a candidate whose written acceptance is thereon.

No nomination paper for use in the nomination of candidates to be voted for at state primaries shall contain the name of more than one candidate, except in the case of delegates to conventions.

G. L. (Ter. Ed.), 53, § 47, etc., amended.

SECTION 14. Section forty-seven of said chapter fifty-three, as amended by section fourteen of chapter three hundred and ten of the acts of nineteen hundred and thirty-two and as affected by said chapter three hundred and eighty-four, is hereby further amended by inserting after

the word "at" in the third line the word:— state,— so as to read as follows:— *Section 47.* Nomination papers for use in the nomination of candidates to be voted for at state primaries shall be prepared, and on request furnished, by the state secretary.

Nomination
papers,
preparation.

SECTION 15. Said chapter fifty-three is hereby further amended by striking out section forty-nine, as amended by section sixteen of said chapter three hundred and ten and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following:— *Section 49.* If a person nominated to be voted for at a state primary dies before the day of the primary, or withdraws his name from nomination, or is found ineligible, and there is no other candidate for the party nomination for the office, the vacancy may be filled by the state committee, if the candidate is one to be voted for by all the voters of the commonwealth; and, in the case of candidates for nomination or election in a district, by the members of the ward and town committees in the wards and towns comprising the district.

G. L. (Ter.
Ed.), 53, § 49,
etc., amended.

Nomination
in case of
death, with-
drawal or
ineligibility.

SECTION 16. Section fifty-one of said chapter fifty-three, as amended by section seventeen of said chapter three hundred and ten and as affected by said chapter three hundred and eighty-four, is hereby further amended by inserting after the word "to" and after the word "a" in the sixth line, in each instance, the word:— state,— so as to read as follows:— *Section 51.* The provisions of section one hundred and five of chapter fifty-four authorizing the opening of the ballot box at elections in towns, the taking therefrom of the ballots and counting thereof, prior to the closing of the polls, shall apply to state primaries in towns. No ballots cast at a state primary in cities shall be counted until the close of the polls.

G. L. (Ter.
Ed.), 53, § 51,
etc., amended.

Counting
of ballots.

SECTION 17. Said chapter fifty-three is hereby further amended by striking out section fifty-two, as amended by section eighteen of said chapter three hundred and ten and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following:— *Section 52.* Upon receipt of the records of votes cast at state primaries the city or town clerk shall forthwith canvass the same and within four days after said primary make return of the votes for candidates for nomination for state offices, to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons nominated for state offices. Said clerks shall determine the results of the vote for delegates to state conventions, issue proper certificates thereof to the successful candidates, and notify the chairmen of the city and town committees of the respective parties.

G. L. (Ter.
Ed.), 53, § 52,
etc., amended.

Canvass and
return of
votes.

SECTION 18. Said chapter fifty-three is hereby further amended by striking out section fifty-three, as most recently amended by section nineteen of said chapter three hundred and ten and as affected by said chapter three hundred and

G. L. (Ter.
Ed.), 53, § 53,
etc., amended.

Vacancies caused by ties or in delegations or committees, how filled.

eighty-four, and inserting in place thereof the following: — *Section 53.* In case of a tie vote where the number of persons receiving equal votes exceeds the number of nominations available, there shall be deemed to be a vacancy. If the tie is between candidates for an office to be filled by all the voters of the commonwealth, the vacancy shall be filled by the state committee. If the tie is between candidates for nomination for any other office, the vacancy shall be filled by the members of the ward and town committees in the district for which the nomination is to be made. Except as herein provided, if there is a tie vote for delegates to a convention, or a place unfilled in a delegation, or a vacancy occasioned by inability or neglect of a delegate elected to attend a convention, such vacancy shall be filled only by vote of the remaining members of the delegation at a meeting called therefor. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action taken relative to the vacancy, except that, if only two delegates were to be elected, the delegate elected shall fill the vacancy and notify the secretary of the convention of that action.

If a majority of a delegation is not elected, the vacancy shall be filled by the persons elected to the ward or town committees.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

G. L. (Ter. Ed.), 53, § 53A, etc., amended.

Objections to nominations.

SECTION 19. Said chapter fifty-three is hereby further amended by striking out section fifty-three A, as amended by section twenty of said chapter three hundred and ten and as affected by said chapter three hundred and eighty-four, and inserting in place thereof the following: — *Section 53A.* When nominations at the state primaries are in apparent conformity with law, they shall be valid unless written objections thereto are filed with the state secretary within six days succeeding five o'clock in the afternoon of the day of holding such primaries; and such objections and all other questions relating thereto shall be subject to section twelve, so far as applicable. A person nominated at such primaries may withdraw his name from nomination by a request signed and duly acknowledged by him and filed with the state secretary within the time prescribed in this section for filing objections to such nominations.

Withdrawal of nominees.

G. L. (Ter. Ed.), 53, §§ 54A and 54B, repealed.

SECTION 20. Sections fifty-four A and fifty-four B of said chapter fifty-three, inserted by section twenty-two of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, are hereby repealed.

G. L. (Ter. Ed.), 53, new sections 70A-70H, added.

SECTION 21. Said chapter fifty-three is hereby further amended by inserting immediately preceding the heading above section seventy-one thereof the following heading and the eight following new sections: —

PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES.

Section 70A. Sections seventy B to seventy H, inclusive, shall apply to presidential primaries.

Sections applying to presidential primaries.

Section 70B. In any year in which candidates for presidential electors are to be elected, the election of delegates and of alternate delegates to national conventions of political parties shall be by direct plurality vote in primaries. The number of district delegates and the number of district alternate delegates, not less than one from each congressional district, and the number of delegates and alternate delegates at large, shall be fixed by the state committee, who shall give notice thereof to the state secretary on or before the third Wednesday in February.

Delegates to national conventions, election, fixing number, etc.

Section 70C. In cities and towns where the question of holding presidential primaries by wards, precincts or groups of precincts is determined by the aldermen or selectmen, they shall give notice of their determination to the state secretary on or before the third Wednesday in February.

Notice to state secretary of determination to hold primaries by wards, precincts, etc.

Section 70D. Nomination of candidates for delegates and alternate delegates to national conventions and members of political committees shall be by nomination papers which shall be prepared and, on request, furnished by the state secretary. In the case of candidates for delegates at large or alternate delegates at large such papers shall be signed in the aggregate by at least one thousand voters, not more than two hundred and fifty to be from any one county. Such papers for members of committees and for district delegates and alternate district delegates shall be signed by a number of voters equal in the aggregate to five voters from each ward and each town in the district. Section forty-five shall apply to such papers for candidates to be voted for at presidential primaries except that they shall not contain the eight word statement referred to in said section but may contain the name of more than one candidate for delegate or alternate delegate or for members of ward and town committees. Nominations of candidates for members of state committees may also be by convention endorsement, as provided in section seventeen A.

Nomination papers of candidates for delegates, etc.

Section 70E. The state secretary shall cause to be placed on the official ballot for use at presidential primaries, under separate headings, and in the following order, the names of candidates for delegates at large, alternate delegates at large, district delegates and alternate district delegates to national conventions. The names of candidates appearing in nomination papers containing nominations for all the places to be filled shall be placed first on said ballot, arranged in groups and in the same order as in the nomination papers. The order in which the groups shall appear shall be determined by lot in the manner provided in section thirty-four and each group of candidates for alternate delegates shall immediately follow the particular group of dele-

Order of names of candidates on official ballots.

gates with which it is affiliated. The names of candidates appearing in nomination papers containing nominations for less than all the places to be filled shall follow, alphabetically arranged. The ballot shall also contain a statement of the preference, if any, of each candidate for delegate as to a candidate for nomination for president, provided that such statement appears in his nomination papers; but no such statement of preference by any candidate for delegate shall appear upon the ballot unless such candidate for nomination for president files his written assent thereto with the state secretary on or before five o'clock in the afternoon of the last day for filing nomination papers. Such assent may be communicated by telegraph. Said secretary shall also place on said ballot the names of candidates for state, ward and town committees.

Canvass of
votes of
delegates, etc.
Returns.

Section 70F. Upon the receipt of the records of the votes cast at presidential primaries and within four days after said primary the city or town committee shall forthwith canvass the same and make return of the votes for delegates at large, alternate delegates at large, district delegates and alternate district delegates and for election as members of the state committee to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons elected as members of state committees. Said clerks shall determine the results of the vote for members of ward and town committees, issue proper certificates thereof to the successful candidates and notify the chairmen of the city and town committees of the respective parties.

Vacancy in
delegation to
national con-
vention, how
filled.

Section 70G. In case of the death, withdrawal or ineligibility of a candidate for delegate or alternate delegate to a national convention, the vacancy may be filled in any manner which is clearly provided for on the nomination paper placing such candidate in nomination, before the signature of any voter is entered thereon, otherwise the remaining candidate or candidates nominated by the same nomination paper may fill the vacancy. In case of a withdrawal, such vacancy must be filled by filing in the office of the state secretary, within seventy-two week day hours succeeding five o'clock in the afternoon of the last day for filing withdrawals, a statement signed by the person or persons authorized to fill the vacancy, giving the name and residence of the candidate nominated, accompanied by his written acceptance.

If there is a tie vote, as defined in section fifty-three, for delegate or alternate delegate the vacancy shall be filled by the state committee. If there is such a tie for members of the state committee it shall be filled by the ward and town committees of the district in which it exists.

If there is a vacancy in a ward or town committee caused by a tie or a failure to elect the number provided for in

section nine of chapter fifty-two the members elected shall fill the vacancy.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

Section 70H. The provisions of law relating to primaries and nomination papers consistent with the five preceding sections shall apply to presidential primaries, so far as practicable. Certain provisions of law to apply.

Approved June 29, 1938.

AN ACT PROVIDING FOR THE REIMBURSEMENT OF THE TOWN OF COLRAIN FOR MONEYS EXPENDED BY IT IN THE REPAIR AND RECONSTRUCTION OF CERTAIN BRIDGES AND ABUTMENTS THERETO IN SAID TOWN. *Chap. 474*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of reimbursing the town of Colrain for moneys expended by it during the year nineteen hundred and thirty-six in the repair and reconstruction of the bridge and abutments thereto in said town known as the Thompsonville bridge and the bridge and abutments thereto in that portion of said town known as Griswoldville, the state treasurer is hereby authorized and directed to pay out of the state treasury to said town, subject to appropriation, the sum of ninety-five hundred and fifty dollars and five cents.

SECTION 2. Chapter three hundred and fifty-one of the acts of nineteen hundred and thirty-seven is hereby repealed. *Approved June 29, 1938.*

AN ACT CEDING JURISDICTION TO THE UNITED STATES OF AMERICA OVER CERTAIN TRACTS OF LAND IN THE COUNTIES OF ESSEX, PLYMOUTH AND SUFFOLK. *Chap. 475*

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions hereinafter imposed, jurisdiction is hereby granted and ceded to the United States of America over any and all lands within the following military reservations which are not already under such jurisdiction of the United States of America: —

Fort Andrews, Plymouth county;
 Fort Revere, Plymouth county;
 Marblehead Military Reservation, Essex county;
 Rice Wharf Military Reservation, Suffolk county; and
 Fort Strong, Suffolk county.

SECTION 2. The jurisdiction hereby granted and ceded shall not vest with respect to said land in any reservation named in section one of this act until the United States of America shall have filed in the office of the state secretary, by an agent designated by the secretary of war, a description and plan of such reservation including said land; and such jurisdiction is granted and ceded upon the express

condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said lands, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said land and all proceedings for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed or had thereon in the same manner as though this cession had not been made; provided, that the exclusive jurisdiction over said land in any military reservation above named shall revert to and revest in the commonwealth whenever such military reservation shall cease to be used for the purposes of national defence. *Approved June 29, 1938.*

Chap. 476 AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC WELFARE DISTRICTS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 117, new sections 44, 45 and 46, added.

Public welfare districts.

District welfare committee, powers and duties.

Chapter one hundred and seventeen of the General Laws is hereby amended by adding after section forty-three, as appearing in the Tercentenary Edition, the following three new sections: — *Section 44.* Two or more towns may, upon recommendation of the commissioner of public welfare, or by vote of each such town and subject to the approval of said commissioner, form a public welfare district, hereinafter called the district, for the purpose of employing therein suitable persons to assist the board of public welfare, or the selectmen acting as such board, of each constituent town in carrying out this chapter and chapters one hundred and eighteen, one hundred and eighteen A and one hundred and twenty-two. Such employees shall annually be appointed by a district welfare committee, hereinafter called the committee, composed of one member elected by and from the board of public welfare, or the selectmen acting as such board, of each constituent town. The committee shall determine the relative amount of service to be performed by said employees in each town, fix their salaries, apportion the amount thereof and of their necessary expenses to be paid by each town and certify the same to each town treasurer. The treasurer of one of the towns designated by the committee shall be treasurer of the district and shall give to the district a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his duties as treasurer of the district, in such sum and upon such conditions as the committee may require. Upon order of the board of public welfare, or of the selectmen acting as such board, of each such town, the town treasurer thereof shall, from time to time, subject to section fifty-two of chapter forty-one, pay to the district treasurer sums not exceeding, in the aggregate, the amount certified by the committee as the town's share of the expenses of the district. The district treasurer shall disburse

the money so received, upon warrants approved by a majority of the committee and signed by the chairman and secretary thereof.

Section 45. Each public welfare district established under section forty-four shall certify to the commissioner of public welfare the amounts paid for the necessary salaries and expenses of the persons employed by it. One third of the amounts allowed by said commissioner for such salaries and expenses shall be reimbursed by the commonwealth to said district on or before the tenth day of March, June, September or December, whichever of such dates next follows such certification.

Reimbursement by the commonwealth.

Section 46. The department of public welfare shall supervise the work done in such public welfare districts, and for said purpose may make such rules relative thereto as it deems necessary, including rules for the efficient use of the persons employed by said districts in the several categories of public welfare. Said department shall have access to any records and other data kept by such district welfare committees or their employees.

Department of public welfare to supervise work done by districts.

Approved June 29, 1938.

AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS, NOTES AND OTHER FORMS OF WRITTEN ACKNOWLEDGMENT OF DEBT TO BE ISSUED BY THE COMMONWEALTH.

Chap. 477

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

The term of the bonds, notes and other forms of written acknowledgment of debt which the state treasurer is authorized to issue under section two of chapter four hundred and fifty-nine of the acts of the current year, relative to the construction of additional sewers in the north metropolitan sewerage district, shall not exceed twenty years, and the term of the notes which said treasurer is authorized to issue under section six of said chapter shall not exceed one year, as recommended by the governor in a message to the general court dated June twenty-ninth, nineteen hundred and thirty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution.

Approved July 1, 1938.

AN ACT RELATIVE TO ABATEMENT OF CERTAIN TAXES.

Chap. 478

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1 Chapter fifty-nine of the General Laws is hereby amended by striking out section sixty-four, as most

G. L. (Ter. Ed.), 59, § 64, etc., amended.

Appeals from
refusals to
abate tax.

recently amended by section six of chapter four hundred of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 64.* A person aggrieved by the refusal of assessors to abate a tax on personal property which has been paid, or a tax of not more than one thousand dollars on a parcel of real estate, or a tax of more than one thousand dollars on a parcel of real estate which tax either has been paid or on account of which there has been paid a sum not less than the amount which would be assessable in said year upon a valuation equal to the average of the valuations of said parcel, as reduced by reason of abatements, if any, for the three years next preceding said year, may, within sixty days after receiving the notice provided in section sixty-three, or within ninety days after the time when the application for abatement is deemed to be refused as hereinafter provided, appeal therefrom by filing a complaint with the clerk of the county commissioners, or of the board authorized to hear and determine such complaints, for the county where the property taxed lies, and if on hearing the board finds that the property has been overrated, and that the complainant has complied with all applicable provisions of law, it shall make a reasonable abatement and an order as to costs. Whenever a board of assessors, before which an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, prior to the expiration of four months from the date of filing of such application it shall then be deemed to be refused and the assessors shall have no further authority to act thereon; provided, that during the period allowed for the taking of an appeal the assessors may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to them by section seven of chapter fifty-eight A to abate, in whole or in part, any tax as to which an appeal has been seasonably taken. If the list of personal property required to be brought in to the assessors was not brought in within the time specified in the notice required by section twenty-nine, no tax upon personal property shall be abated unless the board appealed to finds good cause for this delay or unless the assessors have so found as provided in section sixty-one, or unless such tax exceeds by fifty per cent the amount which would have been assessed on such estate, if the list had been seasonably brought in, and in such case only the excess over such fifty per cent shall be abated. A tax or assessment upon real estate may be abated although no list of property was brought in within the time specified by the notice required by section twenty-nine; provided, that the application for an abatement of such tax or assessment included a sufficient description of the particular real estate as to which an abatement is requested.

Upon the filing of a complaint under this section the clerk of the county commissioners or of the board authorized to hear and determine the same shall forthwith transmit a certified copy of such complaint to the assessors and the assessors or the city solicitor or town counsel may within thirty days after receipt of said copy give written notice to said clerk and to the complainant that the town elects to have the same heard and determined by the appellate tax board. Thereupon, the clerk of the county commissioners or of the board authorized to hear and determine such complaints shall forward all papers with respect to such complaint then in the file of the county commissioners or other such board to the clerk of the appellate tax board and proceedings with respect to such complaint shall thenceforth be continued as provided in chapter fifty-eight A. If upon hearing it appears that the complainant has complied with all applicable provisions of law and the appellate tax board finds that the complainant is duly entitled to an abatement, it may grant him such reasonable abatement as justice may require, and shall enter an order directing the treasurer of the town to refund said amount, if the tax sought to be abated has been paid, together with all charges and interest at five per cent on the amount of the abatement from the date of the payment of the tax. The board may make such order with respect to the payment of costs as justice may require.

SECTION 2. Said chapter fifty-nine is hereby further amended by striking out section sixty-five, as most recently amended by section one of chapter one hundred and sixty-seven of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 65.* A person aggrieved as aforesaid may, instead of pursuing the remedy provided in section sixty-four, but subject to the same conditions, appeal to the appellate tax board by filing a petition with such board within sixty days after receiving the notice required by section sixty-three, or within ninety days after the time when the application for abatement is deemed to be refused as provided in section sixty-four. Such appeal shall be heard and determined by said board in the manner provided by chapter fifty-eight A. The board may enter such order as justice may require in the manner provided in the preceding section with respect to complaints removed from the county commissioners.

SECTION 3. Said chapter fifty-nine is hereby further amended by inserting after section sixty-five A the following new section:— *Section 65B.* A person aggrieved by the refusal of assessors to abate a tax of more than one thousand dollars on a parcel of real estate, on account of which tax there has been paid either a sum not less than one half of the amount of such tax or a sum not less than one half of the amount which would be assessable in said year upon a valuation equal to the average of the valuations of said

G. L. (Ter. Ed.), 59, § 65, etc., amended.

Appeal to appellate tax board.

G. L. (Ter. Ed.), 59, new section 65B, added.

Petitions for leave to file appeal by persons unable to pay balance of tax.

parcel, as reduced by reason of abatements, if any, for the three years next preceding said year, who claims to be unable presently to pay the amount of tax remaining unpaid, may, within sixty days after receipt of the notice provided in section sixty-three, or within ninety days after the time when the application for abatement is deemed to be refused as provided in section sixty-four, petition the appellate tax board for leave to file an appeal therefrom to said board. Such petition shall allege that the petitioner is unable presently to pay such amount of tax, and that, except for failure to comply with the provision of section sixty-four relative to payment of such tax, the petitioner is entitled to an appeal under section sixty-five, and shall be filed with the clerk of the appellate tax board. A notice of the filing of such petition shall be given by said clerk to the appropriate assessors within five days from the date of the filing of such petition, in such form and in such manner as the appellate tax board shall by rule provide, and a hearing, due notice of which shall have been given, shall be had on such petition not later than twenty days from the date of the filing thereof. Such petition shall be heard by a single member of said board. If such member finds the allegations in such petition to be true, he may, by order, grant leave to such petitioner to file such appeal, within ten days from the entry of said order, upon such conditions as may be imposed therein, which may require such petitioner to pay, in whole or by installments, the amount of the tax remaining unpaid, as a prerequisite to any hearing on the merits of the appeal filed under said order. If the complainant fails to comply with any of the conditions imposed in said order an appeal filed thereunder may, upon motion, be dismissed by any member of said board. If the complainant complies with the conditions imposed in said order the appeal filed thereunder shall thereafter be heard and determined by said board in the manner provided by chapter fifty-eight A. The board may enter such order as justice may require in the manner provided in section sixty-four with respect to complaints removed from the county commissioners.

G. L. (Ter. Ed.), 5SA, § 6, etc., amended.

Jurisdiction of appellate tax board.

SECTION 4. Chapter fifty-eight A of the General Laws is hereby amended by striking out section six, as most recently amended by section ten of chapter three hundred and twenty-three of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following:— *Section 6.* The board shall have jurisdiction to decide appeals under the provisions of section forty-two E of chapter forty; of sections eleven, fourteen and twenty-five of chapter fifty-eight; of clauses seventeenth and twenty-second of section five of chapter fifty-nine; of sections seven, thirty-nine, sixty-four, sixty-five, sixty-five B, seventy-three and eighty-one of said chapter fifty-nine; of section two of chapter sixty A; of section forty-five of chapter sixty-two; of sections two, eighteen A, twenty-eight, fifty-one, sixty and seventy-one of chapter sixty-three; of section six of chapter

sixty-four; of sections five and ten of chapter sixty-four A; of sections twenty-five and twenty-six of chapter sixty-five; of section four of chapter sixty-five A; and under any other provision of law wherein such jurisdiction is or may be expressly conferred. Except as otherwise provided by law, no appeal to the board shall stay the collection of any tax or excise. Whenever the commissioner of corporations and taxation, in this chapter called the commissioner, or a board of assessors, before whom or which an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, prior to the expiration of four months from the date of filing of such application, it shall then be deemed to be denied and the taxpayer shall have the right, at any time within ninety days after the expiration of said four months, to take any appeal from such denial to which he may be entitled by law, in the same manner as though the commissioner or board of assessors had in fact refused to grant the abatement applied for. After the expiration of said four months the commissioner or the board of assessors shall have no further authority to act upon said application; provided, that during the period allowed for the taking of an appeal the commissioner or the assessors, as the case may be, may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to him or them by section seven of this chapter to abate, in whole or in part, any tax as to which an appeal has been seasonably taken.

Approved July 1, 1938.

AN ACT FOR CODIFICATION, REVISION AND AMENDMENT OF
THE LAWS RELATIVE TO THE CONSTRUCTION, ALTERATION
AND MAINTENANCE OF BUILDINGS AND OTHER STRUCTURES
IN THE CITY OF BOSTON. Chap. 479

Approved July 1, 1938.

Note: Printed as a separate publication in accordance with the provisions of Chapter 39, Resolves of 1938.

AN ACT RELATIVE TO THE IMPOSITION OF EXCISE TAXES, IN
LIEU OF LOCAL TAXES, ON REGISTERED MOTOR VEHICLES
AND TRAILERS. Chap. 480

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty A of the General Laws is hereby amended by striking out section one, as most recently amended by chapter one hundred and eleven of the

G. L. (Ter.
Ed.), 60A, § 1,
etc., amended.

Excise tax
on motor
vehicles and
trailers.

acts of the current year, and inserting in place thereof the following: — *Section 1.* Except as hereinafter provided, there shall be assessed and levied in each calendar year on every motor vehicle and trailer registered under chapter ninety, for the privilege of such registration, an excise measured by the value thereof, as hereinafter defined and determined, at the average state rate for the calendar year, as determined in the manner provided in section fifty-eight of chapter sixty-three. For the purpose of this excise the value of each such motor vehicle or trailer shall be deemed to be the value, as determined by the commissioner, of motor vehicles or trailers of the same make, type, model, and year of manufacture as designated by the manufacturer, but not in excess of the following percentages of the list price established by the manufacturer for the year of manufacture, namely: —

In the year of manufacture	90%
In the second year	60%
In the third year	40%
In the fourth year	25%
In the fifth and succeeding years	10%

The term “year of manufacture”, as used in this section, shall mean the year used by the manufacturer of the motor vehicle or trailer in connection with the designation by him or it of the model of such motor vehicle or trailer.

Nothing in this section shall be construed to prevent the board of assessors or the commissioner, as the case may be, from granting an abatement in any case in which the valuation aforesaid is in their or his opinion excessive.

The excise imposed by this section shall not apply to motor vehicles or trailers owned and registered by the commonwealth or any political subdivision thereof, or owned or controlled by a manufacturer or repairman to whom has been issued a general distinguishing number or mark under section five of chapter ninety, or to motor vehicles or trailers owned or controlled by a dealer to whom has been so issued a general distinguishing number or mark, even though one or more of the motor vehicles or trailers owned or controlled by such dealer is or are registered under section two of said chapter ninety, or to motor vehicles or trailers owned and registered by any corporation other than a domestic business, domestic manufacturing, foreign or public service corporation, or by an association, whose personal property is exempt from taxation under section five of chapter fifty-nine; provided, that the exemption from excise herein provided for motor vehicles and trailers owned or controlled and registered by manufacturers, dealers and repairmen shall not apply in case the motor vehicle or trailer while so registered shall be operated or propelled over the highways for the personal use or convenience, or for any use other than in connection with the business, of

the owner or controller as such manufacturer, dealer or repairman.

If a motor vehicle or trailer is registered after January thirty-first of any year the excise imposed by this section shall be that proportion of the excise for a full year which the number of months in said year following the last day of the month preceding that in which the motor vehicle or trailer is registered bears to twelve. If a registered motor vehicle or trailer is sold or its ownership transferred during any calendar year, and if notice to the former owner of an excise on account thereof for that year has already been issued pursuant to section two, that proportion of the excise for a full year which the number of months in said year remaining after the last day of the month in which such sale or transfer occurred bears to twelve shall be abated. If, however, the excise payer has not been notified of said excise before notice of such sale or transfer has been received by the official or officials authorized to make the assessment, only that proportion of the excise for a full year which the number of months in said year prior to the first day of the month next following the month in which said sale or transfer occurred bears to twelve shall be assessed. The excise assessed under this section shall not be less than two dollars and no abatement under this section shall reduce the excise collected to less than two dollars.

Nothing in this section shall be construed to impose an excise tax upon any motor vehicle or trailer registered and customarily kept in another state if such other state does not impose an excise, privilege or property tax or fee, in addition to a registration fee, upon motor vehicles or trailers, as the case may be, registered and customarily kept in this commonwealth. The commissioner shall determine what states do not impose such additional excise, privilege or property tax or fee, and his determination shall be final.

SECTION 2. Said chapter sixty A is hereby further amended by striking out section two, as amended by section three of chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:— *Section 2.* If the owner of the motor vehicle or trailer registered is an individual inhabitant of the commonwealth, or a partnership, voluntary association or corporation having a principal place of business in the commonwealth or if the owner of the motor vehicle or trailer registered is not such an individual, partnership, voluntary association or corporation but the vehicle or trailer is customarily kept in any particular municipality in the commonwealth, the board of assessors shall assess the excise imposed by section one, and commit the same to the collector of taxes with their warrant for the collection thereof. Otherwise the excise so imposed shall be assessed and collected by the commissioner. The excise shall be assessed to the owner of the motor vehicle or trailer registering the same, and the registrar of motor vehicles shall promptly transmit

G. L. (Ter. Ed.), 60A, § 2, etc., amended.

Collection of tax.

to the commissioner a notice of the registration of a motor vehicle or trailer subject to this excise, giving the name and residential address of the owner, if an individual, or the name and principal place of business in this commonwealth, if any, otherwise that outside the commonwealth, if a corporation, partnership or voluntary association, the municipality in which the motor vehicle or trailer is customarily to be kept if it is to be kept in the commonwealth, the name of the maker, the year of manufacture as designated by the manufacturer, and the model and type of vehicle or trailer. The commissioner may require from the owner such further information as may be necessary for the purposes of this chapter. The commissioner shall, as soon as may be, transmit to the boards of assessors the information received relative to registrations with respect to motor vehicles and trailers locally assessable sent to him by the registrar of motor vehicles, and, under such provisions as he deems best, make available to the local assessors information showing the values as determined under section one. The excise hereunder shall be due and payable at the expiration of thirty days from the date upon which the notice was issued by the collector or the commissioner pursuant to this section. The collector of taxes or the commissioner, as the case may be, shall seasonably notify the owner of the excise assessed and the due date, but failure to receive notice shall not affect the validity of the excise. The owner may within six months of the date of the issuing of the notice of assessment or of the date of sale or transfer, but not later than January thirty-first of the succeeding year, apply for an abatement to the board of assessors or the commissioner, as the case may be, and, from a decision of the board of assessors upon such application, an appeal may be taken to the county commissioners or to the appellate tax board, all in accordance with section sixty-four or sixty-five of chapter fifty-nine, or from a decision of the commissioner an appeal may be taken to the appellate tax board in the time and manner provided in the case of appeals taken pursuant to section seventy-one of chapter sixty-three. If an abatement is granted of an excise assessed by a board of assessors, any overpayment with interest thereon at the rate of six per cent per annum from the date of payment shall be refunded by the city or town treasurer from any available funds, upon certification by the collector of taxes and approval for payment as required by section fifty-two of chapter forty-one, without any appropriation therefor by the municipality. If an abatement is granted of an excise assessed by the commissioner, any overpayment with interest thereon at the rate of six per cent per annum from the date of payment shall be refunded by the state treasurer upon certification by the commissioner, without further appropriation. Owners who neglect to pay the excise assessed under this chapter shall pay interest at the rate of six per cent per annum from the time when such excise was

payable until paid, if such payment is made before the commencement of proceedings for recovery thereof, and twelve per cent if made after the commencement thereof. The notice issued pursuant to this section shall bear on its face a statement of the time within which petitions for abatement of the excise may be filed.

SECTION 3. Said chapter sixty A is hereby further amended by striking out section three, as most recently amended by section four of said chapter three hundred and eighty-four, and inserting in place thereof the following:— *Section 3.* In the collection of this excise, the collectors of taxes and the commissioner shall have all the remedies provided by chapter sixty and chapter sixty-two.

G. L. (Ter. Ed.), 60A, § 3, etc., amended.

Local collectors to have certain remedies.

SECTION 4. Said chapter sixty A is hereby further amended by striking out section four, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 4.* This chapter shall not be construed to alter or amend the provisions of law with respect to the registration of motor vehicles or trailers.

G. L. (Ter. Ed.), 60A, § 4, amended.

Not to affect registration of motor vehicles.

SECTION 5. Said chapter sixty A is hereby further amended by striking out section six, as amended by section five of said chapter three hundred and eighty-four, and inserting in place thereof the following:— *Section 6.* The excise locally assessable under this chapter shall be laid and collected at the residential address of the owner, if an individual, or at the principal place of business in this commonwealth, if a partnership, voluntary association or corporation, as determined by the owner's registration, except that if a motor vehicle or trailer is customarily kept in some other municipality, the excise shall be laid and collected in such other municipality.

G. L. (Ter. Ed.), 60A, § 6, etc., amended.

Tax to be collected locally.

Approved July 1, 1938.

AN ACT EXTENDING THE PROVISIONS OF CERTAIN ENABLING ACTS SO THAT THE COMMONWEALTH MAY ACCEPT AND USE FOR PUBLIC PROJECTS CERTAIN FEDERAL FUNDS.

Chap. 481

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Wherever in chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, and acts in amendment thereof and in addition thereto, reference is made to the National Industrial Recovery Act or any title or part thereof, or to the Emergency Relief Appropriation Act of 1935, such reference shall be deemed and held to refer also to all acts and joint resolutions of congress enacted during nineteen hundred and thirty-six, to the Emergency Relief Appropriation Act of 1938, to the Public Works Administration Appropriation Act of 1938 and to all other acts and all joint resolutions of congress enacted during

nineteen hundred and thirty-eight, authorizing grants or loans, or both, of federal funds for public projects.

Approved July 1, 1938.

Chap.482 AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The notes which the state treasurer is authorized to issue under section five of chapter forty-nine of the acts of nineteen hundred and thirty-three, as most recently amended by section two of chapter fifty-seven of the acts of the current year, shall be issued for maximum terms of years to expire not later than November thirtieth, nineteen hundred and forty-three, as set forth in said section two and as recommended by the governor in a message to the general court, dated June twenty-third, nineteen hundred and thirty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution.

SECTION 2. The provisions of section one are enacted in order to avoid any possible invalidity which might otherwise arise by reason of the fact that said chapter fifty-seven was enacted and was approved by the governor without any prior recommendation on his part relative to the terms of said notes.

Approved July 5, 1938.

Chap.483 AN ACT FURTHER PROVIDING FOR THE SAFETY AND REGULATION OF THE USE OF WAYS BY MOTOR VEHICLES TRANSPORTING PROPERTY IN THE COMMONWEALTH, AND FOR THE SUPERVISION AND CONTROL OF SUCH TRANSPORTATION FOR COMPENSATION.

Emergency
preamble.

Whereas, In order that so much of the transportation system of the commonwealth as is involved in the carriage of property by motor vehicle may be operated most effectively immediately, certain amendments to the existing general laws relative thereto and a review of existing permits to contract carriers by motor vehicle are essential, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter one hundred and fifty-nine B, as amended, and inserting in place thereof the following chapter: —

G. L. (Ter.
Ed.), 159B,
stricken out,
and new chap-
ter inserted.

CHAPTER 159B.

CARRIERS OF PROPERTY BY MOTOR VEHICLE.

Section 1. It is hereby declared to be the policy of the commonwealth to regulate transportation of property by motor carriers upon its ways in such manner as to recognize and preserve the inherent advantages of such transportation, and to foster sound economic conditions in such transportation and among carriers engaged therein in the public interest; and in connection therewith to: (1) Promote adequate, economical and efficient service by motor carriers, and reasonable charges therefor, without unjust discriminations, undue preferences or advantages or unfair or destructive competitive practices, (2) improve the relations between, and co-ordinate transportation by and regulation of, motor carriers and other carriers, (3) develop and preserve a highway transportation system properly adapted to the needs of the commerce of the commonwealth, and (4) promote safety upon its ways in the interests of its citizens.

Declaration
of policy.

Section 2. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise:

Definitions.

“Broker”, any person not included in the term “motor carrier” and not a bona fide employee or agent of any such carrier who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for or holds himself out by solicitation, advertisement or otherwise as one who sells, provides, furnishes, contracts or arranges for such transportation. The term “broker” shall also include carloading and forwarding companies in so far as their operations are not conducted by means of their own vehicles.

“Certificate”, a certificate of public convenience and necessity issued under this chapter or corresponding provisions of earlier laws to a common carrier by motor vehicle.

“Commissioners”, the commissioners of the department of public utilities.

“Common carrier by motor vehicle”, any person who directly, or by his agent or under a lease or any other arrangement, or by arrangement with any other common carrier or with any contract carrier, transports property, or any class or classes of property, for the general public by motor vehicle, for compensation, upon ways, over regular or irregular routes, including carriers by rail or water and express or forwarding companies, when engaged in such motor vehicle operations, except to the extent that such operations by them are subject to chapter one hundred and fifty-nine.

“Contract carrier by motor vehicle”, any person, not included in the term “common carrier by motor vehicle”, who, under special and individual contracts or agreements, directly or by his agent or under a lease or any other

arrangement, transports property by motor vehicle for compensation upon ways.

"Department", the department of public utilities.

"Driver", any person operating a motor vehicle used for the transportation of property, which he owns or is operating with the express or implied consent of its owner.

"Hearings" provided for by this chapter shall be public, upon written notice to the material parties thereto, with the right to such parties to appear in person and to be represented by counsel, and with each witness testifying on oath.

"Interstate license", a license granted by the department to an interstate carrier by motor vehicle operating for compensation over ways.

"Irregular route common carrier", any common carrier by motor vehicle who operates over irregular routes between points within the commonwealth.

"License", or "broker's license", a license issued under this chapter to a broker.

"Motor carrier" shall include both a common carrier by motor vehicle and a contract carrier by motor vehicle.

"Motor vehicle", any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon ways in the transportation of property; but not including any vehicle, locomotive or car operated exclusively on a rail or rails.

"Permit", a permit issued under this chapter or corresponding provisions of earlier laws to a contract carrier by motor vehicle.

"Person", any individual, firm, co-partnership, corporation, company, association or joint-stock association, including any trustee, administrator, executor, receiver, assignee or other personal representative thereof.

"Regular route common carrier", any common carrier by motor vehicle who operates over regular routes between points within the commonwealth.

"Services" and "transportation", shall include the services of, and transportation by, all vehicles operated by, for or in the interest of any motor carrier, irrespective of ownership or of contract, express or implied, together with the use of all facilities and property operated or controlled by such carrier or carriers in the transportation of property or in the performance of any service in connection therewith.

"Way", any public way, private way laid out under authority of statute, way dedicated to public use, or way under the control of the metropolitan district commission or local park commissioners or any other body or person having like powers, in each case within the commonwealth.

Section 3. No person shall engage in the business of a common carrier by motor vehicle upon any way unless there is in effect with respect to such carrier a certificate issued by the department.

(a) A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation

Certificate
required before
operating as a
common
carrier.

covered by the application, if it is found that the applicant is fit, willing and able properly to perform the services proposed, and to conform to this chapter and the lawful requirements, orders, rules and regulations of the department thereunder, and that the proposed service to the extent authorized by the certificate is or will be required by the present or future public convenience and necessity; otherwise, such application shall be denied. Each application for such a certificate shall be made in writing in such form as the department may prescribe, shall be verified by oath or written declaration that it is made under the penalties of perjury, shall contain such information as the department may require, and shall be accompanied by a fee of ten dollars.

(b) Certificates shall be issued as provided in paragraph (a) of this section only after a public hearing upon ten days' notice as hereinafter provided, and at the time of issuance, and from time to time thereafter, the exercise of the privileges granted by the certificate shall be subject to such reasonable terms, conditions and limitations as the public convenience and necessity may require, including such terms, conditions and limitations as to the extension of the route or routes of the carrier as are necessary to carry out, with respect to his operations, the general orders, rules and regulations adopted and established by the department under authority of this chapter; provided, that no such terms, conditions or limitations shall restrict the right of the carrier to add to his equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require. A written notice of such hearing shall be mailed by the department at least ten days before the date fixed therefor to all common carriers, including steam and electric railway companies, serving any part of the route proposed to be served by the applicant, to the commissioner of public works and to any other person who, in the opinion of the department, may be interested in or affected by the issuance of such certificate, and a copy of such notice shall be posted in the office of the secretary of the department. Under such general or special rules and regulations as the commissioners may prescribe, a common carrier by motor vehicle operating under any such certificate may occasionally deviate from the route over which, and the fixed termini between which, he is authorized to operate under the certificate.

(c) Any regular route common carrier who, during any period of not less than sixty consecutive days, refuses to serve any point or points on any of his routes, except for the reason that the part of such route which serves such point or points is impassable because of floods, condition of the highways or other causes of like nature not within his control, shall be deemed to have abandoned said part of such route; and if, upon complaint, after a hearing, the

department finds that such carrier has so refused to serve such point or points, and not for any reason set forth in the foregoing exception, the department shall order the certificate amended and shall reissue the same with such parts of said route and such point or points omitted therefrom.

(d) If it shall appear to the department, after a hearing, that any irregular route common carrier has failed to file, before the expiration of ninety days after the effective date of his certificate as such carrier, rates covering his operations to all points covered by his certificate, or at any time thereafter, has failed for a period of not less than thirty consecutive days to keep on file rates, covering all such operations, his rights thereto to the extent of his failure to file or keep on file rates as herein set forth shall be forfeited and the department shall reissue his certificate subject to the resulting limitations.

Regulation of
business of
contract car-
riage.

Declaration of
policy in
respect thereto.

Section 4. It is hereby declared to be the policy of the commonwealth that the business of contract carriage is affected with the public interest and that the safety and welfare of the public upon the ways within the commonwealth, the preservation and maintenance of said ways and the proper regulation of common carriers using the same require the regulation of contract carriers to the extent provided in this chapter.

No person shall engage in the business of a contract carrier by motor vehicle upon any way unless there is in effect in respect to said carrier a permit authorizing him to engage in such service.

Said permits shall be issued only after hearing, upon ten days' notice as provided for hearings on application for common carrier certificates in section three, and each application therefor shall be made in the same manner as is provided in paragraph (a) of section three for applications for certificates, and shall be accompanied by a fee of ten dollars.

If upon the hearing of any application for a permit as contract carrier by motor vehicle it is found that the applicant is fit, willing and able properly to perform the service proposed, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest, the safety and welfare of the public upon the ways within the commonwealth and the preservation and maintenance of said ways and the proper regulation of common carriers using the same, such permit shall be issued; otherwise, such application shall be denied.

Such permits shall be in a form prescribed by the department and may be issued for the partial exercise only of the privilege sought. The department shall specify in the permit the operations covered thereby, and at the time of issuance, and from time to time thereafter, shall attach to it such terms and conditions, not inconsistent with the status of the holder as a contract carrier, as the public interest may

require; provided, that no terms, conditions or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of his permit, or to add to his equipment and facilities over the routes, between the termini, or within the territory, specified in the permit, as the development of his business and the demands of the public shall require.

Section 5. (a) No person shall for compensation sell or offer for sale transportation subject to this chapter, and no person shall make any contract, agreement or arrangement to provide, procure, furnish or arrange for such transportation or hold himself out by advertisement, solicitation or otherwise as one who sells, provides, procures, contracts or arranges for such transportation, unless such person holds a broker's license issued by the department authorizing him to engage in such transactions; provided, that no such person shall engage in transportation subject to this chapter unless he holds a certificate or permit as provided therein. In the execution of any contract, agreement or arrangement to sell, provide, procure, furnish or arrange for such transportation, no broker shall employ any motor carrier who is not the holder of a certificate or permit under which he may lawfully undertake the transportation in question. This paragraph shall not apply to any motor carrier holding a certificate or a permit or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier, or jointly with other motor carriers holding like certificates or permits, or with a common carrier by railroad, express or water.

Brokers,
license of,
duties, rules
and regulations
affecting.

(b) A broker's license shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to this chapter and the lawful requirements, orders, rules and regulations of the department thereunder, and that the proposed service, to the extent authorized by the license, is or will be consistent with the public interest and the policy declared in this chapter; otherwise, such application shall be denied. Each application for such a license shall be made in the same manner as is provided in paragraph (a) of section three for applications for certificates, and shall be accompanied by a fee of ten dollars.

The department shall from time to time establish reasonable maximum fees, no fees in excess of which shall be charged by said brokers to motor carriers for services as brokers.

(c) The department shall from time to time prescribe reasonable rules and regulations for the protection of shippers by motor vehicle, to be observed by all persons holding brokers' licenses, and no such license shall be issued or remain in force unless the applicant or licensee shall have furnished a bond or other security to the commonwealth, approved by the department, in such form and amount

as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements or arrangements therefor.

(d) The department and its agents and examiners shall have the same authority as to accounts, reports and records, including inspection and preservation thereof, of any person holding a broker's license as they have under this chapter with respect to accounts, reports and records of motor carriers subject thereto.

(e) All brokers licensed under this chapter shall file with the department tariffs in the same form and manner as prescribed by this chapter for common carriers by motor vehicle.

(f) Brokers' licenses shall be non-transferable.

Rates and
charges to be
filed with
department.

Section 6. Every common carrier by motor vehicle shall publish and file with the department and keep open for public inspection tariffs containing all the rates and charges for transportation of property and all services in connection therewith between points on its own routes, and between points on its own routes and points on the routes of any other such carrier or on the route of any common carrier by railroad, express or water when a through route and joint rate shall have been established. Such rates and charges shall be stated in lawful money of the United States. The department may reject any tariff filed with it which is not consistent with this section and with its orders, rules and regulations under this chapter.

Every such common carrier shall establish, observe and enforce just and reasonable rates, charges and classifications and reasonable regulations and practices relating thereto, which shall become effective on a date fixed by such carrier, which shall be at least thirty days after the filing of the tariff containing the same, unless suspended by the department prior to its effective date upon complaint of any person, organization or body politic, or by the department on its own motion; provided, that a rate may be established to become effective within said thirty days in order to meet the then existing rate of any competing common carrier, in which case it may become effective upon the effective date of the rate of such competing common carrier or at any time thereafter if established thereafter, upon the filing of a tariff or supplement thereto consistent with such reasonable rules and regulations as may be prescribed by the department.

The department may establish from time to time such reasonable rules and regulations as it may deem necessary pertaining to the form of tariff schedules, the time and manner of filing thereof, the suspension of rates before the same become effective, and hearings upon the validity of any filed or existing rate.

The department, in its discretion and for good cause shown, may allow publication of rates or of changes therein, upon notice less than that herein specified, or may modify

the requirements of this section with respect to posting and filing of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

No common carrier by motor vehicle shall charge, demand, collect or receive a different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates or charges so specified, or extend to any person any privilege or facilities for transportation except such as are specified in its tariffs. Nothing in this section shall apply to the transportation of property by motor vehicle for any common carrier when the rate charged the public for transportation of such property is already published and filed with the department.

The department, upon complaint of any common carrier by motor vehicle or of any other person, or upon its own motion, after hearing, may allow or disallow any filed or existing rates and may alter or prescribe the rates of common carriers in connection with the transportation of any or all classes of property to any and all points within the commonwealth and any service connected therewith, in accordance with the legal standards provided in this chapter. Whenever, upon complaint or in an investigation on its own initiative, the department, after hearing, shall be of the opinion that any rate or charge demanded, charged or collected by any common carrier by motor vehicle, or any classification, rule, regulation or practice whatsoever of such carrier affecting such rate, charge or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, it shall determine and prescribe the lawful rate or charge, or the maximum or minimum rate or charge thereafter to be observed, or the lawful classification, rule, regulation or practice thereafter to be made effective.

In the exercise of the power to prescribe just and reasonable rates for the transportation of property by common carriers by motor vehicle and to disallow rates filed by any such carrier, the department shall give due consideration, among other factors, to the inherent advantages of transportation by such carrier, to the effect of any rates under consideration upon the movement of traffic by such carriers, to the need in the public interest of adequate and efficient transportation service by such carriers, to the cost of service and to the need of revenues sufficient to enable such carriers under honest, economical and efficient management to provide such service.

No common carrier by motor vehicle, unless otherwise provided by this chapter, shall engage in the transportation of property upon any way, unless the rates and charges

upon which the same is transported by said carrier shall have been filed and published in accordance with this chapter.

Copies of
contracts for
transportation
to be filed with
department.

Regulation
of business.

Section 7. (a) Every contract carrier by motor vehicle shall file with the department a copy of every contract for the transportation of property by motor vehicle in effect in connection with its operations, which shall be in writing and shall be executed by all parties thereto. The period of time during which such contract shall be in force, the charges for transportation and accessorial service, if any, and the duties and obligations of all parties thereto, shall be specifically stated therein, and said copies shall be kept on file in the department, but not open to public inspection. The department may also in its discretion require all such carriers to file schedules of their minimum charges, each of which schedules shall contain a list of all parties with whom contracts are or may from time to time be in effect, and a statement of the charge for each service performed thereunder, without designation of the party for whom the same are being or are to be performed. Such schedules shall be kept on file in the department and shall be open to public inspection. Any change in such minimum charges shall become effective not less than thirty days after the filing of such change with the department; provided, that the department may in its discretion and for good cause shown allow such change to become effective within a lesser period.

(b) No such carrier shall demand, charge or collect compensation for such transportation less than that provided for in his written contract and the minimum schedule of charges, if any, filed therewith, or prescribed by the department from time to time, and no such carrier, by the furnishing of any special service, facility or privilege, or by any other device whatsoever, shall in effect charge, accept or receive for any transportation or service less than the minimum charge, if any, established therefor under this section.

(c) Whenever, after hearing, upon a complaint or upon its own initiative, the department finds that any charge of any contract carrier by motor vehicle or any rule, regulation or practice of any such carrier affecting such charge or the value of the services thereunder for the transportation of property upon ways, contravenes the policy declared in section one or causes an undue or unreasonable advantage or preference to any such carrier in competition with any other motor carrier, the department, giving due consideration to the cost of services rendered by such carrier, may prescribe such charge, rule, regulation or practice as in its judgment may be necessary or desirable in the public interest. The charges of said contract carriers by motor vehicle for transportation shall in general be no less than those of common carriers by motor vehicle for the same or similar service.

Section 8. No carrier shall be permitted to hold both a common carrier certificate and a contract carrier permit until after having shown to the satisfaction of the department at a public hearing that operation under such certificate and permit is consistent with the public interest and with the policy declared in section one.

Hearing before issuance of permit or certificate.

Section 9. A single distinguishing plate shall be prescribed and furnished by the department annually for each of the vehicles necessary for the conduct of the business of the holder of the certificate or permit, and said plates shall be prominently displayed on the front of each such vehicle whenever operated. As used in this and the following section, the word "vehicle" shall include a tractor, with or without a semi-trailer unit. No such plate shall be transferred from one vehicle to another, except upon authority and with the consent of the department and upon payment of a transfer fee of one dollar. The annual charge for each plate shall be five dollars.

Distinguishing plate for vehicles used in business.

Section 10. Each interstate carrier by motor vehicle transporting property over the ways within the commonwealth for compensation shall apply to the department for an interstate license as defined in section two. Each application for an interstate license shall be made in the same manner as provided in paragraph (a) of section three for applications for certificates and shall be accompanied by a fee of ten dollars. Such license shall be issued in the name of the applicant. One interstate registration plate shall be issued by the department annually to each such licensee for each vehicle of said licensee operating over such ways upon payment of a fee of five dollars per plate, shall bear an identifying number, and shall be displayed as provided in section nine. Each such plate shall be accompanied by a certificate issued by the department, which shall be in the possession of the driver at all times while operating within the commonwealth and shall set forth the make, manufacturer's serial number, if any, and motor number, if any, of the vehicle with respect to which said plate shall be used. Each such plate shall be non-transferable. Whoever uses any such plate on any vehicle other than the one for which it is issued, and whoever permits such a plate issued to him to be so used, shall be punished by a fine of one hundred dollars. The license of any person violating any provision of this section shall be revoked and the surrender of all plates issued to him shall be required.

Interstate carriers to apply for license.

Section 11. Any certificate, permit or license may be assigned and transferred, in whole or in part, with the approval and consent of the department, after a public hearing at which the proposed transferee shall have established to the satisfaction of the department his willingness, fitness and ability to perform or furnish transportation for compensation under such certificate, permit or license and under this chapter.

Assignment, etc., of certificate, etc. Hearing.

In the event of the decease, incompetency, insolvency, bankruptcy or corporate reorganization under section seventy-seven B of the bankruptcy law of the United States, of a holder of a certificate, permit or license under this chapter, the department, upon application of his executor, administrator, guardian, conservator, assignee, trustee or receiver and upon payment of the fee required by this section, shall conditionally transfer such certificate, permit or license to such fiduciary, pending the decision by the department as to the fitness, willingness and ability of said transferee to conduct the operations or business authorized by said certificate, permit or license. In the event of the decease, incompetency, insolvency or bankruptcy of a member of a partnership holding such a certificate, permit or license, the department, upon application of the surviving or remaining partners, or of the executor, administrator, guardian, conservator, assignee, trustee or receiver of the deceased, incompetent, insolvent or bankrupt partner, may make a like conditional transfer to the surviving or remaining partners.

No person shall operate upon any way as a common carrier by motor vehicle, contract carrier by motor vehicle or interstate licensee, or conduct business as a broker, except a bona fide holder of a certificate, permit or license, as the case may be, and neither by loan, assignment, option for purchase or any means whatsoever shall any person be permitted to defeat the requirements of this section with respect to the transfer of certificates, permits and licenses. The fee for the approval by the department of the transfer, in whole or in part, of any certificate, permit or license shall be five dollars. The department shall make any necessary rules and regulations to carry out the provisions of this section.

Amendment
or revocation
of certificate,
etc.

Section 12. Any certificate, permit or license may, upon application of the holder thereof and after notice and hearing as provided by paragraph (b) of section three, be amended or revoked in whole or in part.

After a hearing, at least ten days' notice whereof shall be given to the holder of the certificate, permit or license in question, the department may revoke, or suspend for such period of time as it may deem fit, any such certificate, permit or license, in whole or in part, for any wilful violation of any provision of this chapter or of the orders, rules and regulations of the department made, adopted or established under authority thereof, or of any lawful requirement, condition, limitation or restriction contained in such certificate, permit or license. Any such certificate, permit or license shall remain in effect unless and until revoked by the department as herein provided, but subject to suspension as aforesaid.

No such certificate, permit or license shall be transferred, without the consent of the department, pending any complaint or hearing upon or in which the question of its revocation or suspension depends or is involved, and the effect

of such revocation or suspension shall not be avoided by any such transfer, or by a transfer thereafter or by any other device or subterfuge.

Section 13. Motor vehicles owned by the commonwealth or any of its political subdivisions shall be subject to section eighteen, but shall be exempt from all other provisions of this chapter. Motor vehicles while engaged exclusively in the delivery of the United States mail or any other work for the United States shall be exempt from all provisions of this chapter except section eighteen, but shall be subject to said section so far as may be permissible under the constitution and laws of the United States.

State or municipal vehicles subject to section 18.

Section 14. Every motor carrier while operating on any way when requested by an inspector of the commercial motor vehicle division of the department, who is in uniform or who displays the proper insignia of his office, shall stop and submit to said inspector all transportation documents, including bills of lading, way bills and other papers relating to his cargo which are in his possession and shall submit the cargo and other contents, if any, of his motor vehicle to such reasonable examination as may be necessary to inform the inspector of the nature and weight thereof. No such inspector shall make a detailed examination of the cargo or other contents of the motor vehicle at a place where the motor vehicle does not stop for purposes of loading or delivery, and no motor vehicle shall be unduly delayed for the purpose of weighing or be required to turn back upon or substantially to detour from the route upon which it was travelling when stopped by the inspector. Any such carrier who, personally or by his agent, violates any provision of this section shall be punished by a fine of not more than twenty-five dollars.

Authority of inspectors.

Section 15. The department may, upon application therefor, when consistent with the public interest and the policy of this chapter, as set forth in section one, issue such temporary certificates to common carriers by motor vehicles and such temporary permits to contract carriers by motor vehicle as it deems necessary to meet special and individual circumstances wherein adequate service by motor carriers is not readily available. Motor carriers operating under such temporary certificates and permits shall conform to all requirements of this chapter with respect to the filing of rates, copies of written contracts, minimum schedules and other provisions relating to the justice and reasonableness of rates, rules, regulations and charges, and the department, in issuing such temporary certificates and permits, shall consider the effect thereof upon competing carriers as is required by sections three, four, six and seven in acting thereunder.

Temporary certificates, etc.

Section 16. The department may establish from time to time such reasonable rules and regulations consistent with this chapter as may be necessary to carry out its administration thereof.

Rules and regulations.

Penalty.

Section 17. In case of failure or refusal on the part of any motor carrier or broker, or his executor, administrator, guardian, conservator, assignee, receiver or trustee, to submit the accounts, records or memoranda of such carrier or broker in his possession or control to the inspection of the department or its authorized inspector, such carrier, broker, or fiduciary shall be punished by a fine of two hundred dollars for each and every day during the continuance of such offense, such fine to be paid into the treasury of the commonwealth.

Penalty for operation for over twelve hours, etc.

Section 18. No driver shall operate any motor vehicle used for the transportation of property on the ways within the commonwealth, and no owner, lessee or other person having control of any such vehicle shall require or permit any driver so to operate the same, at any time after the driver has been continuously on duty for twelve hours and before he shall have had at least eight consecutive hours off duty, or at any time after the driver has been on duty sixteen hours in the aggregate in any twenty-four hour period and before he shall have had ten consecutive hours off duty. Periods of release from duty herein required shall be given at such place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of duty unless it be for at least three consecutive hours at a place where there is opportunity for a rest. In case of flood, storm or other unforeseen emergency, the driver may complete his run or tour of duty if such run or tour of duty would reasonably have been completed without a violation of this section, except for the delay caused by such emergency, or may make deliveries of necessities of life notwithstanding the foregoing provisions of this section. The department may make such rules and regulations as it deems necessary or advisable to insure proper enforcement of this section.

Penalty for evasion of provisions of chapter.

Section 19. No person shall (1) knowingly offer, grant or give, or solicit, accept or receive, any rebate, concession or discrimination in violation of any provision of this chapter, or (2) by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, knowingly or wilfully assist, suffer or permit any person to obtain transportation of property subject to this chapter for less than the applicable rate or charge, or (3) by any such means, or otherwise, fraudulently seek to evade or defeat regulation as in this chapter provided.

Authority of department of public works not affected.

Section 20. Nothing in this chapter shall lessen or affect the authority or powers of the department of public works or of the registrar of motor vehicles under chapter ninety. No person holding a certificate or a permit authorizing the transportation of property for compensation by motor ve-

hicle within the city of Boston, shall be required to obtain a license from the police commissioner for said city on account of such transportation or the use of motor vehicles therein.

Section 21. Whoever knowingly or wilfully violates any provision of this chapter, or any order, rule or regulation adopted or established thereunder, or any lawful requirement, condition, limitation or restriction contained in any certificate, permit or license, shall be punished, except as otherwise provided in this chapter, for a first offense by a fine of not more than one hundred dollars and for any subsequent offense by a fine of not more than two hundred dollars; and, in addition, the supreme judicial and superior courts shall severally have jurisdiction in equity to restrain any such violation upon petition of the department, or of any person, organization or body politic affected by such violation.

General
penalty.

Any such person, organization or body politic may file with the department a complaint of any such violation, and the department shall promptly investigate such complaint, and may hold a hearing on the question of revocation of the certificate, permit or license of any motor carrier, broker or interstate licensee complained against and may institute in any court of the commonwealth in the county or district wherein the carrier shall have a place of business such action, suit or complaint as may be necessary to enforce compliance with any provision of this chapter or any rule, regulation or order of the department thereunder, or any lawful requirement, condition, limitation or restriction contained in any certificate, permit or license.

Section 22. If any provision of this chapter shall be declared unconstitutional, the validity of its remaining provisions shall not be affected thereby.

Validity.

SECTION 2. The department of public utilities, in this section called the department, shall forthwith upon the taking effect of this act review all existing contract carrier permits granted under chapter one hundred and fifty-nine B of the General Laws and in effect at the time of the taking effect of this act, for the purpose of classifying said permits and determining whether the services rendered thereunder constitute the service of common carrier by motor vehicle or contract carrier by motor vehicle, and, subject to the provisions of this section, shall issue without charge certificates or permits, or both, to the holders of such existing contract carrier permits in accordance with the nature of said services and consistently with its findings. The issuance of such certificates shall not be subject to paragraph (b) of section three of said chapter one hundred and fifty-nine B, as appearing in section one of this act. In connection with said review and issuance of certificates and permits the department and the holders of such existing contract carrier permits shall comply with the following procedure:—

Temporary
provisions
affecting exist-
ing contracts,
etc.

(a) Each holder of an unrestricted contract carrier permit issued upon application filed on or before April twenty-eighth,

nineteen hundred and thirty-five, shall be entitled to, and on application as provided in paragraph (e) of this section shall receive, a certificate as an irregular route common carrier which shall be subject to the requirements of section six of said chapter one hundred and fifty-nine B, as so appearing. Each such unrestricted contract carrier shall, in addition thereto, be entitled to a permit as a contract carrier by motor vehicle upon showing at a public hearing held before the department that, at some time during the six months ending on said April twenty-eighth, the applicant has, at least as to some part of his operations, operated under bona fide contracts substantially in accordance with the requirements of section seven of said chapter one hundred and fifty-nine B, as so appearing, other than the requirement therein that the contract shall have been in writing. Each unrestricted contract carrier permit granted since said April twenty-eighth shall be reviewed by the department in accordance with this section. In reviewing such application and in imposing any limitations on the certificate or permit to be issued, the department shall consider the existing operations of the holder of the existing permit, and may issue a certificate or permit, as the facts warrant.

(b) Any holder of an existing contract carrier permit restricted as to mileage, commodities or number or types of motor vehicles may apply, as provided in paragraph (e) of this section, either for a certificate as an irregular route common carrier, or for a permit as a restricted contract carrier, but not for both. If such application is made for a certificate as an irregular route common carrier, the department shall forthwith issue such certificate subject to the restrictions and limitations applicable to the existing permit, which existing permit shall be revoked upon issuance of said certificate. If such application is made for a permit as a restricted contract carrier, the department shall grant a public hearing, due notice whereof shall have been given. If, as a result of such hearing, the department finds that the nature of the applicant's operations warrant, it shall issue to said applicant a contract carrier permit with such restrictions and limitations as apply to the existing permit, and such further restrictions and limitations, if any, as the facts may warrant; or, if it is shown at said hearing that the applicant is in fact a common carrier, the department may issue to said applicant a certificate as an irregular route common carrier, subject to such restrictions and limitations as the facts may warrant.

(c) Holders of existing contract carrier permits limiting service to a specified number of customers shall upon application receive contract carrier permits limited to the number so specified.

(d) Interstate contract carriers holding existing contract carrier permits shall receive, in lieu thereof, interstate licenses, as provided in section ten of said chapter one hundred and fifty-nine B of the General Laws, as appearing in section one of this act.

(e) Each holder of a contract carrier permit referred to in paragraphs (a) and (b) of this section may apply without charge to the department in writing, within ninety days from the effective date of this act, for an irregular route common carrier certificate or for a contract carrier permit. If application is made for an irregular route common carrier certificate the same shall be issued within a reasonable time. Pending the issuance of such certificate, the applicant may operate as an irregular route common carrier subject to the restrictions and limitations of the existing permit, upon compliance with section six of said chapter one hundred and fifty-nine B, as so appearing. If application is made for a contract carrier permit the same shall be granted subject to paragraphs (a) and (b) of this section. Pending the issuance of such permit the applicant may operate as a contract carrier subject to the restrictions and limitations of the existing permit, upon compliance with section seven of said chapter one hundred and fifty-nine B, as so appearing.

(f) In the event any holder of an existing contract carrier permit fails to make application within said ninety days for a certificate as an irregular route common carrier or for a permit as a contract carrier, as hereinbefore provided, the department shall on its own motion proceed to a public hearing, of which due notice shall be given to such holder.

(g) At such hearing the department shall adduce such facts as will enable it to determine the nature of the operations of the holder of each such permit and shall issue a certificate or permit in accordance with its findings.

(h) If any holder of such a permit wilfully refuses to appear at such hearing in person or by duly authorized representative, or refuses to divulge the facts with regard to the nature of his operations as a motor carrier, the department shall forthwith revoke and cancel the existing permit.

(i) Pending the decision of the department at such hearings, the holders of such permits may operate as contract carriers under the terms of the existing permits, upon compliance with section seven of said chapter one hundred and fifty-nine B, as so appearing.

(j) The department, in connection with any certificate or permit issued under this section, may from time to time attach to the exercise of the privileges granted by such certificate or permit such reasonable terms, conditions and limitations as public convenience and necessity may from time to time require with respect to certificates and the public interest may require with respect to permits.

(k) Contract carriers who are given the status of common carriers as a result of the review of contract carrier permits under this section shall forthwith become subject to section six of chapter one hundred and fifty-nine B, as so appearing, and to the rules and regulations of the department made thereunder; except that the initial rates filed by such carriers as common carriers shall not be subject to

suspension, and that, in any proceeding before or by the department under said section six, the burden of proof shall be on any such carrier to establish the lawfulness of said initial rates. Such rates shall in no case be lower than any rates over the same route and between the same points then in force or effect as to any other common carrier by motor vehicle.

(l) Following the effective date of this act the department shall promptly notify each holder of an existing contract carrier permit of the provisions of this section.

Certificates and permits issued under this section shall, except as herein otherwise provided, be subject to said chapter one hundred and fifty-nine B, as so appearing.

Such of the words and phrases defined in section two of said chapter one hundred and fifty-nine B, as so appearing, as are used in this section shall, as so used, have the meanings set forth in said section two, unless the context clearly requires otherwise.

Existing rules,
etc., to continue
in effect until
superseded.

SECTION 3. The rules and regulations of the department of public utilities applicable to carriers of property by motor vehicle, in force on the effective date of this act, in so far as they are consistent with said chapter one hundred and fifty-nine B, as so appearing, shall remain in force until revoked, amended or superseded thereunder, and the rates and charges of such carriers shall remain in force until superseded by the filing of new rates or charges, or until suspended or revoked by said department.

Temporary
provisions
affecting
brokers.

SECTION 4. Any broker, as defined in section two of said chapter one hundred and fifty-nine B, as so appearing, in business when this act takes effect may continue such business for a period of thirty days thereafter without a license, and, if he makes an application for a license within such period, he may, under such regulations as the department shall prescribe, continue such business until otherwise ordered by the department of public utilities.

Department
of public
utilities to
investigate
existing
conditions.

SECTION 5. The department of public utilities shall forthwith upon the passage of this act enter upon a study of the business of leasing trucks and motor vehicles to motor carriers, for the purpose of determining the effect of such business upon motor carriers and for the purpose of making such recommendations, if any, as may be deemed advisable with respect to the regulation of said business.

Report to
general court.

Said department in making said study shall have access to the books and records of all departments of the commonwealth in so far as they relate to the subject matter thereof, may hold hearings, summon witnesses and require the production of books, records and papers, and may make such reasonable rules and regulations with respect to the filing of reports with it by those engaged in said business as may be necessary to assist it in carrying on said study and in making its report as required herein. Said department shall report to the general court its findings, and its recommendations, if any, together with drafts of legislation neces-

sary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved July 5, 1938.

AN ACT TO RELATE THE MASSACHUSETTS HOUSING AUTHORITY LAW TO THE UNITED STATES HOUSING ACT OF NINETEEN HUNDRED AND THIRTY-SEVEN. *Chap. 484*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-one of the General Laws is hereby amended by striking out sections twenty-six I to twenty-six BB, inclusive, inserted by section five of chapter four hundred and forty-nine of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following twenty-seven new sections: — G. L. (Ter. Ed.), 121, §§ 26I to 26BB, stricken out, and sections 26I to 26II, inserted.

Section 26I. This section and the twenty-six following sections shall be known and may be cited as the Housing Authority Law. Law, how cited.

Section 26J. The following words, wherever used in this section and in sections twenty-six K to twenty-six II, inclusive, shall, unless a different meaning clearly appears from the context, have the following meanings: — Definitions.

“Housing board” or “board”, the state board of housing established under section seventeen of chapter eighteen.

“Housing authority” or “authority”, a public body politic and corporate created pursuant to section twenty-six L or corresponding provisions of earlier laws.

“United States Housing Act of 1937”, Public Act No. 412 of the 75th Congress of the United States, and any act or amendment thereof or an addition thereto.

“Federal government” shall include the United States of America, the body corporate created by section three of the United States Housing Act of 1937 known as the “United States Housing Authority” and other agency of instrumentality corporate or otherwise of the United States of America.

“Low-rent housing”, decent, safe and sanitary dwellings within the financial reach of families of low income, and developed and administered to promote serviceability, efficiency, economy and stability; together with all necessary appurtenances of such dwellings.

“Families of low income”, families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or in the same metropolitan area to build an adequate supply of decent, safe and sanitary dwellings for their use.

"Sub-standard area", any area wherein dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.

"Clearance project", the demolition and removal of buildings from any sub-standard area.

"Acquisition cost", the amount prudently required to be expended by a housing authority in acquiring a low-rent housing or clearance project.

"Project", any work or undertaking: (1) to demolish, clear or remove buildings from any sub-standard area; such work or undertaking may embrace the adaptation of such area to parks, playgrounds or other public purposes; or (2) to provide decent, safe and sanitary dwellings, apartments or other living accommodations for families of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, public or private ways, sewers, water supply, parks, site preparation or improvement or administrative, community, health, recreational, welfare or other facilities; or (3) to accomplish any combination of the foregoing. The term "project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work performed in connection therewith. Construction activity in connection with a project may be confined to the reconstruction, remodeling or repair of existing buildings. This definition shall be subject to section twenty-six CC.

Sub-standard
areas declared
to exist.

Section 26K. It is hereby declared that sub-standard areas exist in certain portions of the commonwealth, and that there is not in the commonwealth, within a reasonable distance of the principal centres of employment, an adequate supply of low-rent housing for families of low income; that this situation tends to cause an increase and spread of disease and crime and constitutes a menace to the health, safety, morals, welfare and comfort of the inhabitants of the commonwealth and is detrimental to property values therein; that this situation cannot readily be remedied by the ordinary operations of private enterprise; that a public exigency exists which makes the clearance of sub-standard areas and the provision of low-rent housing for persons of low income a public necessity; that the clearance of sub-standard areas and the provision of low-rent housing for families of low income, or either, constitute a public use for which private property may be acquired by eminent domain and public funds raised by taxation may be expended; and the enactment of sections twenty-six J to twenty-six II, inclusive, is declared to be a public necessity.

"Housing
authority",

Section 26L. There is hereby created in each city and town in the commonwealth a public body politic and cor-

porate to be known as the "Housing Authority" of such city or town; provided, that no such authority shall transact any business or exercise any powers until the need for a housing authority has been determined and until a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

establishment
of, term of
members.

Whenever the city council of a city, with the approval of the mayor, determines that a housing authority is needed therein for the purpose of the clearance of sub-standard areas or the provision of low-rent housing for families of low income, it may by vote provide for the organization of such an authority. A town may vote, at an annual town meeting or at a special town meeting called therefor, to provide for the organization of such an authority for such purpose. In determining the need for the clearance of sub-standard areas or for low-rent housing, the city council or a town shall take into consideration the need for relieving congestion of population, the existence of insanitary or unsafe inhabited dwellings, and the shortage of safe or sanitary dwellings available for families of low income at rentals which they can afford. If a town so votes, either at an annual town meeting or at a special town meeting called therefor, four members of such an authority shall be appointed forthwith by the selectmen, and one member appointed by the housing board, to serve only until the next annual town meeting, when they shall be succeeded by the elective members provided for in section twenty-six M, who shall be elected at such annual town meeting. No special town meeting for the purpose of voting on the question of establishing a housing authority shall be held less than sixty days prior to the annual town meeting. Every such authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section or in section twenty-six M, of whom three shall constitute a quorum.

Section 26M. In a city, four members of a housing authority shall be appointed by the mayor subject to confirmation by the city council and one by the housing board; provided, that, of the members originally appointed, the member appointed by the board shall serve for the term of three years, and the other members shall be appointed to serve for terms of one, two, four and five years, respectively. In a town, four members shall be elected by the town and one appointed by the housing board; provided, that, of the members originally elected at an annual town meeting, the one receiving the highest number of votes shall serve for five years, the one receiving the next highest number of votes, for four years, the one receiving the next highest number of votes, for two years, and the one receiving the next highest number of votes, for one year, and that the member originally appointed by the board shall serve for three years. Thereafter, as the term of a member of any such housing authority expires, his successor shall be appointed or elected, in the same manner and by the same

Appointment,
and term of
members of
local housing
authority.

body, for the term of five years. Vacancies, other than by reason of expiration of terms, shall be filled, in the same manner and by the same body, for the balance of the unexpired term. Every member, unless sooner removed, shall serve until the qualification of his successor.

As soon as possible after the qualification of the members of a housing authority the city or town clerk, as the case may be, shall file a certificate of such appointment, or of such appointment and election, as the case may be, with the board and a duplicate thereof in the office of the state secretary. If the state secretary finds that the housing authority has been organized and the members thereof elected or appointed according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the authority and of the election or appointment of the members thereof. Whenever the membership of a housing authority is changed, by appointment, election, resignation or removal, a certificate and a duplicate certificate to that effect shall promptly be so filed. A certificate so filed shall be conclusive evidence of the change in membership of the housing authority referred to therein.

Removal
of members.

Section 26N. The mayor, with the approval of the city council, or the board of selectmen may make, or the mayor or the board of selectmen may receive, written charges against, and may after hearing remove, because of inefficiency, neglect of duty and misconduct in office, or any of such causes, a member of a housing authority appointed by the mayor and confirmed by the city council, elected by the town or appointed by the selectmen, as the case may be; provided, that such member shall have been given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against him and written notice of the date and place of the hearing to be held thereon, and at the hearing shall have been given the opportunity to be represented by counsel and to be heard in his own defence. Pending final action upon any such charges, the mayor, with the approval of the city council, or the board of selectmen, as the case may be, may temporarily suspend such member; provided, that if they find that such charges have not been substantiated, they shall immediately reinstate him in his office. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the city or town, for filing with the certificate and with the duplicate certificate, attested copies of such charges and of its findings thereon.

The mayor, with the approval of the city council, or the board of selectmen, as the case may be, may prefer to the board written charges of inefficiency, neglect of duty and misconduct in office, or any of such charges, against the member of a housing authority appointed by the board, in which case the pertinent provisions of the preceding paragraph relative to notice, hearing, suspension, removal

or reinstatement, and filing, shall apply to proceedings before the board. If, after hearing thereon, the board finds the charges, or any of them, to have been substantiated, and that removal of the member is advisable, it shall remove such member.

Section 26O. A housing authority shall elect from among its members a chairman and a vice-chairman, and may employ counsel, an executive director who shall be ex-officio secretary of the housing authority, a treasurer who may be a member of the authority and such other officers, agents and employees as it deems necessary or proper, and shall determine their qualifications, duties and compensation, and may delegate to one or more of its members, agents or employees such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. So far as practicable, a housing authority shall make use of the services of the agencies, officers and employees of the city or town in which such an authority is organized and such city or town shall, if requested, make available such services.

Election of chairman, vice-chairman, executive director, and treasurer.

Section 26P. Members of a housing authority shall receive no compensation for their services, either as such members or for serving in any capacity for such authority, but shall be allowed, or be reimbursed for, all expenses properly incurred by them within or without the city or town in the discharge of their duties. Such expenses may be allocated by the housing authority among its various projects, in such manner and amounts as it deems proper.

Members to receive no compensation.

No member, agent or employee of a housing authority shall, directly or indirectly, have any financial interest in any property to be included in, or any contract for property, materials or services to be furnished or used in connection with, any project of such housing authority. Whoever violates any provision of the preceding sentence shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than one month, or both.

Section 26Q. A housing authority, in each instance with the written approval of the board, and of the mayor of the city or the selectmen of the town in which the project is situated, may enter into agreements with the federal government relative to the acceptance or borrowing of funds for any project, or containing such other covenants, terms and conditions as the housing authority, with like approval, may deem desirable. A housing authority, with like approval, may enter into a contract with the federal government for purchasing or leasing a clearance or low-rent housing project owned or controlled by the federal government. If such a project has been so purchased or leased by a housing authority and such authority has by vote declared that the project has been constructed in a manner that will afford necessary safety, sanitation and protection in other respects to the public, no changes shall be required by any officers

Agreements with federal government.

of the commonwealth or of the city or town in the manner of construction, or the buildings, the fixtures or appurtenances thereto or the use for which the project was designed.

Powers and
duties.

Section 26R. A housing authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections twenty-six J to twenty-six II, inclusive, including the clearance of sub-standard areas or the providing of low-rent housing for families of low income, and shall have the following powers in addition to others specifically granted elsewhere in said sections: —

(a) To sue and to be sued; to have a seal; to have corporate succession; to receive loans and grants from the federal government or from any other source, public or private; to conduct investigations relative to housing and living conditions and any other matter deemed by it to be material for its information in connection with any of its powers and duties.

(b) To determine what areas within its jurisdiction constitute sub-standard areas and to prepare plans for the clearance thereof; to provide low-rent housing projects for families of low income; to take by eminent domain under chapter seventy-nine or chapter eighty A, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, any property real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of sections twenty-six J to twenty-six II, inclusive, or any of such sections and to sell, exchange, transfer or assign the same; provided, that in case of a taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter shall be applicable, except that the security therein required shall be deposited with the mayor of the city or the selectmen of the town in which the property to be taken is situated; to clear and improve any property so acquired; to engage in or contract for the construction, reconstruction, alteration or repair of any clearance or low-rent housing project or parts thereof; to act as agent of, or to co-operate with, the federal government in any clearance or low-rent housing project; to lease, to operate, and, subject to the limitations set forth in section twenty-six AA, to establish, or revise, schedules of rents for any such project or part thereof undertaken by it; to borrow money as hereafter provided upon the security of its bonds, notes or other evidences of indebtedness and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue, including grants or contributions by the federal government, or in any other lawful manner, and in connection with the incurrence of any indebtedness to covenant that it shall not thereafter mortgage the whole or any specified part of its property or pledge the whole or any specified part of its revenues; to invest in securities legal for the investment of funds of savings banks any funds held by it and not required for immediate disbursement; to enter into, execute and carry out contracts and all other instru-

ments necessary or convenient to the exercise of the powers granted in said sections twenty-six J to twenty-six II, inclusive; and to make, and from time to time to amend or repeal, by-laws, rules and regulations to carry into effect its powers and purposes under said sections; provided, that the same are not inconsistent with said sections, or with the pertinent rules and regulations of the housing board or with law.

Section 26S. When an area shall have been determined by a housing authority to be an area within which a project should be undertaken, said housing authority may design a project for the clearance or rebuilding of the area, or any part thereof, or for providing low-rent housing projects for families of low income in such area, and shall submit to the housing board the plans and layout of the project, the estimated cost thereof, the proposed method of financing it, and a detailed estimate of the expenses and revenues thereof.

Project areas.

The board shall hold a public hearing upon such project, if requested in writing so to do, within ten days after the submission of the project, by the housing authority, or by the mayor or city council of the city or the selectmen of the town in which the proposed project is located, or by twenty-five or more taxable inhabitants of such city or town. If the housing board finds that the plans and layout conform to proper standards of health, sanitation and safety, that the financial plan is sound and that with the aid of any federal grant or other subsidy the revenue from the project will be sufficient to meet its annually recurring expenses, including, without limitation of the foregoing, payments in lieu of taxes, depreciation and service of its indebtedness, and that the probable costs are such that it will be practicable to rent the reconstructed or newly constructed property in accordance with the limitations set forth in section twenty-six AA without incurring an annual deficit, it shall, within thirty days after submission of the project, give written notice to the authority of its decision with respect to such project. If the housing board shall disapprove any project, it shall state in writing in such notice its reasons for disapproval. Unless and until written approval of such project is obtained, the housing authority shall not, except as otherwise provided in the following section, undertake such project. A project which has not been approved by the housing board when submitted to it may be again submitted to it with such modifications as are necessary to meet its objections.

Hearings.

Section 26T. When a housing authority has determined the location of a proposed project for the clearance of a sub-standard area or for providing low-rent housing for families of low income, it may, without awaiting the approval of the housing board, proceed, by option or otherwise, to obtain control of the real property within the location; provided, that it shall not, without the approval of the board, unconditionally obligate itself to purchase any such property. When such a project has been approved by the

Acquisition of real estate, options on.

board, and notice of such approval given to the housing authority, the housing authority may proceed at once to acquire real estate within the location of the project, either by eminent domain or by grant, purchase, lease, gift, exchange or otherwise, and may construct, or contract for the construction of, the buildings and facilities planned for the project. Except as herein otherwise provided, the provisions of said chapter seventy-nine and said chapter eighty A relative to counties, cities, towns and districts, so far as pertinent, shall be applicable to a housing authority, and the members of a housing authority shall act on its behalf under said chapter.

Municipal
appropriations.

Section 26U. For the purpose of defraying the initial costs and annual administrative expenses of a housing authority authorized to be organized therein, including the expenses of preparing plans, making surveys, and the like, in connection with one or more proposed projects, a city or town with a valuation of less than five million dollars may annually appropriate not more than five thousand dollars; a city or town with a valuation of five million dollars but less than twenty million dollars may annually appropriate not more than seven thousand five hundred dollars; a city or town with a valuation of twenty million dollars but less than seventy-five million dollars may annually appropriate not more than ten thousand dollars; a city or town with a valuation of seventy-five million dollars but not more than one hundred and fifty million dollars may annually appropriate not more than twelve thousand five hundred dollars; and a city or town with a valuation of more than one hundred and fifty million dollars may annually appropriate not more than thirty thousand dollars. Any city or town in which a housing authority has been organized may from time to time appropriate or agree to appropriate further sums of money for the purpose of aiding such housing authority in the preparation of plans and estimates in connection with the submission to the federal government of one or more applications for loans or grants under the United States Housing Act of 1937. All moneys appropriated by a city or town under the preceding sentence for the plans and estimates of a particular project or used for such purpose shall, if such project is one to which the federal government shall make a grant or loan and such moneys are not taken into account as part of the required participation of such city or town in such project, be repaid by the housing authority to such city or town; otherwise, such repayment need not be made. All moneys appropriated under this section in aid of a housing authority or received by it from any source shall be paid to the treasurer of the authority and shall be disbursed by him, subject to section twenty-six EE.

Municipalities
authorized to
borrow outside
debt limit.

Section 26V. A city or town in which a housing authority has been organized may raise and appropriate, or agree with such authority or with the federal government to raise and

appropriate, in aid of such authority, such sums as may be necessary for defraying such part of the development, acquisition or operating costs of a clearance or low-rent housing project within such city or town, to which the federal government, pursuant to the United States Housing Act of 1937, has rendered or has agreed to render financial assistance, as will not be met by loans, contributions or grants from the federal government or otherwise. Such city or town may incur debt, outside the limit of indebtedness prescribed in section ten of chapter forty-four, payable within fifteen years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four, in order to lend to a housing authority such sums as may be necessary for defraying such part of the development or acquisition costs of such a project as will not be met by loans, contributions or grants from the federal government or otherwise; provided, that the total amount of such indebtedness of any city or town outstanding at any one time shall not exceed one half of one per cent of the average of the assessors' valuations of its taxable property for the three preceding years, reduced and otherwise determined as provided in said section ten of said chapter forty-four.

Section 26W. The real estate and tangible personal property of a housing authority held in connection with a project financed in whole or in part by the federal government under the United States Housing Act of 1937 shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments, provided, that in lieu of such taxes, betterments and special assessments, a city or town in which a housing authority holds real estate used or to be used in connection with such a project may determine, or agree with such housing authority upon the amount of, a sum to be paid to the city or town annually in any year or period of years such sum to be in any year not in excess of the amount that would be levied at the current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the acquisition thereof, the valuation of each year being reduced by all abatements thereon, as compensation for improvements, services and facilities, other than gas, water and electricity, furnished by such city or town for the benefit of such project. The last paragraph of section six and all of section seven of chapter fifty-nine shall, so far as apt, be applicable to payments under this section.

Property acquired by housing authority to be public property.

Section 26X. For the purpose of complying with the conditions of the United States Housing Act of 1937, or in lieu of a contribution, loan or grant in cash to a housing authority organized within its limits, or to aid and co-operate in the planning, construction or operation of a project of such an authority, a city or town, or the appropriate board or officer thereof on behalf of such city or town, may upon such terms, and with or without consideration, do or agree

Not required to advertise for bids.

to do any or all of the following things, as such city, town, board or officer, as the case may be, may determine:—

(a) Sell, convey or lease any of its interests in any property, or grant easements, licenses or any other rights or privileges therein to such a housing authority or to the federal government;

(b) Cause parks, playgrounds or schools, or water, sewer or drainage facilities, or any other public improvements which it is otherwise authorized to undertake, to be laid out, constructed or furnished adjacent to or in connection with a housing project;

(c) Lay out and construct, alter, relocate, change the grade of, make specific repairs upon or discontinue, public ways and construct sidewalks, adjacent to or through a housing project;

(d) Adopt ordinances or by-laws under sections twenty-five to thirty A, inclusive, of chapter forty or repeal or modify such ordinances or by-laws; establish exceptions to existing ordinances and by-laws regulating the design, construction and use of buildings; annul or modify any action taken or map adopted under sections eighty-one A to eighty-one J, inclusive, of chapter forty-one;

(e) Cause public improvements to be made and services and facilities to be furnished to or for the benefit of such a housing authority for which betterments or special assessments may be levied or charges made, and assume or agree to assume such betterments, assessments or charges;

(f) Purchase and hold any of the bonds or notes of such a housing authority, and exercise all of the rights of a holder of such bonds or notes;

(g) Make available to a housing authority the services of its agencies, officers and employees;

(h) Cause private ways, sidewalks, footpaths, ways for vehicular travel, playgrounds, or water, sewer or drainage facilities and similar improvements, to be constructed or furnished within the site of a project for the particular use of the project or of those dwelling therein;

(i) Enter into agreements with a housing authority, the term of which agreements may extend over the period of a loan to the housing authority by the federal government, respecting action to be taken by such city or town pursuant to any of the powers granted by sections twenty-six J to twenty-six II, inclusive; and

(j) Do any and all other things authorized by law and necessary or convenient to aid and co-operate in the planning, construction or operation of a housing project within its limits.

A contract under this section between a city or town and the federal government or between a city or town and a housing authority shall not be subject to any provision of law relating to publication or to advertising for bids.

Section 26Y. So long as the emergency finance board, established under section one of chapter forty-nine of the

acts of nineteen hundred and thirty-three, is in existence, no money shall be borrowed by a city or town for any of the purposes of sections twenty-six J to twenty-six H, inclusive, without the approval of said emergency finance board. If said emergency finance board shall cease to exist, a commission consisting of the attorney general, the state treasurer and the director of the division of accounts in the department of corporations and taxation shall exercise the powers given by this section to said emergency finance board. Either said board or said commission, as the case may be, shall hold a public hearing upon any matter submitted to it under this section if requested in writing so to do by twenty-five taxable inhabitants of such city or town within three days after the submission of such matter.

local borrowings while in existence, special commission thereafter to have power of approval.

Section 26Z. In all contracts between a city or town, or a housing authority, under sections twenty-six J to twenty-six H, inclusive, with the federal government, there shall be included a provision that the city or town, or the housing authority, as the case may be, shall include in any contract entered into in connection with a project stipulations that the contractor and sub-contractors shall comply with the requirements of the United States Housing Act of 1937 as to minimum wages and maximum hours of labor and any other conditions relating to labor.

Contractors to pay minimum wages, etc., as required by federal act.

Section 26AA. Upon the completion or acquisition of a project by a housing authority it shall be maintained and operated by such authority. It is hereby declared to be the policy of this commonwealth that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the commonwealth, or to the city or town in which it is located. To this end an authority shall fix the rentals for dwelling units in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (a) to pay, as the same become due, the principal and interest on the bonds of the authority; (b) to meet the cost of insurance, and the payments in lieu of taxes provided by section twenty-six W, and to provide for maintaining, operating and using the projects and the administrative expenses of the authority; and (c) to create, during not less than the six years immediately succeeding its issuance of any bonds, notes or other evidences of indebtedness, a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve. In the operation or management of low-rent housing projects an authority shall at all times observe the

Authority to manage and maintain projects upon completion.
Declaration of policy.

following requirements with respect to rentals and tenant selection: (a) It shall rent or lease the dwelling accommodations therein only at rentals within the financial reach of laborers and wage earners of low income. (b) It shall rent or lease to a tenant dwelling accommodations consisting of the least number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding. (c) It shall not accept any family as a tenant in any project if the person or persons who would occupy the dwelling accommodations have an aggregate annual income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one. (d) There shall be no discrimination; provided, that if the number of qualified applicants for dwelling accommodations exceeds the dwelling units available, preference shall be given to citizens of the United States, to inhabitants of the city or town in which the project is located, and to the families who occupied the dwellings eliminated by demolition, condemnation and effective closing as part of the project so far as is reasonably practicable without discrimination against persons living in other sub-standard areas within the same city or town.

In computing the rental for the purpose of this section, there shall be included therein the average annual cost, as determined by the authority, to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

Application of
certain laws.

Section 26BB. Except as provided in section twenty-six Q with respect to projects acquired or leased from the federal government, every project of a housing authority shall be subject to all statutes, and all ordinances, by-laws and regulations of the city or town in which it lies, relating to town planning, zoning, the construction and repair of buildings, and the protection of the public health. Chapter thirty-one and the rules and regulations made thereunder shall not apply to any officer, agent or employee of a housing authority or of the housing board or to any person employed on or in connection with, any project of a housing authority.

All projects
to include
closing, etc.,
of existing
sub-standard
areas.

Section 26CC. No project for low-rent housing or the clearance of a sub-standard area involving the construction of new dwellings shall be undertaken by a housing authority unless the project includes the elimination by demolition, condemnation and effective closing of unsafe or unsanitary buildings situated in the same city or town containing dwelling units substantially equal in number to the number of newly constructed dwelling units provided by the project; provided, that such elimination may, in the discretion of the housing board, be deferred in any city or town for a period of not more than three years from the completion of the

project if the shortage of decent, safe or sanitary housing available to families of low income is so acute as to force dangerous overcrowding of such families.

Section 26DD. The bonds, notes and certificates of indebtedness of housing authorities shall be subject to sections twenty-two to twenty-eight, inclusive, of chapter forty-four. The action required therein of a city, town or district shall be performed by the authority, and the duties of the mayor of a city or the selectmen of a town shall be performed by the members of the authority. Such bonds, notes and certificates of indebtedness, in the absence of an express recital to the contrary on the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from the income of the authority or constitute a general obligation thereof, may be sold at not less than par, at public or private sale, and may mature at such time or times, and may be secured in such manner, may provide for such rights and remedies upon their default and may contain such other covenants, terms and conditions not inconsistent with law, as may be provided by vote of the authority or in any trust indenture authorized by the authority. The bonds, notes and certificates of indebtedness of housing authorities issued under sections twenty-six J to twenty-six II, inclusive, and the interest thereon shall be exempt from taxation with respect to principal and income.

Certain provisions of law to apply to bonds, etc., issued by housing authorities.

Section 26EE. Each housing authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually in the month of January make a report thereof to the housing board, to the director of the division of accounts in the department of corporations and taxation, and to the mayor of the city or to the selectmen of the town within which such authority is organized, such reports to be in a form prescribed by the board, with the written approval of said director. The housing board or the said director may investigate the affairs of housing authorities and their dealings, transactions and relationships. They shall severally have the power to examine into the properties and records of housing authorities and to prescribe methods of accounting and the rendering of periodical reports in relation to projects undertaken by such housing authorities. The housing board may from time to time make, amend and repeal rules and regulations prescribing standards and stating principles governing the planning, construction, maintenance and operation of projects by housing authorities. Compliance with sections twenty-six J to twenty-six II, inclusive, the rules and regulations adopted by the housing board hereunder, and the terms of a clearance or low-rent housing project approved by the housing board, may be enforced in the same manner as is provided by section twenty-six B for the enforcement of the orders of the housing board in the case of a project operated by a limited dividend corporation, and all perti-

Records and accounts.

nent provisions of said section twenty-six B shall apply in case of any non-compliance with any provision of said sections twenty-six J to twenty-six II, inclusive.

Housing
authority
liable in
certain cases.

Section 26FF. A housing authority shall be liable in contract or in tort in the same manner as a private corporation. The members of a housing authority shall not be personally liable as such on its contracts, or for torts not committed or directly authorized by them. The property or funds of a housing authority shall not be subject to attachment, or to levy and sale on execution, but if a housing authority refuses to pay a judgment entered against it in any court of competent jurisdiction, the supreme judicial court, sitting within and for the county in which the authority is situated, may, by writ of mandamus, direct the treasurer of such authority to pay such judgment. The real estate of a housing authority shall not be subject to liens under chapter two hundred and fifty-four, but the provisions of section twenty-eight of chapter one hundred and forty-nine shall be applicable to housing authorities.

Bonds, etc.,
not deemed
to be municipal
liabilities.

Section 26GG. No bond, note or other evidence of indebtedness executed, or obligation or liability incurred, by a housing authority shall be a debt or charge against the commonwealth or any political subdivision thereof other than such housing authority. Nothing in sections twenty-six J to twenty-six II, inclusive, shall be construed to obligate the commonwealth, or any political subdivision thereof other than a housing authority, or to pledge its credit, to any payment whatsoever to any housing authority or to any bondholder or creditor thereof, nor shall anything therein contained be construed as granting to any housing authority any exemption from taxation except as expressly provided herein or to render the commonwealth, or any political subdivision thereof other than a housing authority, liable for any indebtedness or liability incurred, acts done, including any taking by eminent domain, or omissions or failures to act, of any housing authority.

Invalidity of
parts of sec-
tions not to
affect remain-
ing sections.

Section 26HH. The provisions of sections twenty-six I to twenty-six GG, inclusive, are hereby declared to be severable and if any such provision, or the application of such provision to any person or circumstance, shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said sections or the application of such provision to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said sections would have been adopted had such invalid or unconstitutional provision not been included therein.

Petition and
form of vote
on municipal
contributions
to housing
authority.

Section 26II. At the written request of ten per cent of the registered voters in any city the following question shall be placed upon the ballot in such city at any state election.

Shall the mayor and city council of the city of _____ be
(Insert name of city)
 authorized in accordance with the provisions of the Housing Author-
 ity Law (St. 1938, c. _____) to appropriate public funds
 and make contribution (in the form of tax exemptions
 or otherwise) in aid of low cost housing projects?
 (Mark X in appropriate box.)

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

From and after the date of such election no contribution in the form of grants of tax exemption or otherwise and no appropriations in any form shall be made by such city to any project which has not been approved both by the housing board and by the federal government prior to January first, nineteen hundred and forty, or prior to the date of such election, unless at such election a majority of the registered voters voting upon the foregoing question shall have voted in the affirmative. Nothing in this section and no action with respect to any such referendum shall in any manner affect any action taken or contract made, prior to such election, in compliance with or pursuant to the provisions of sections twenty-six J to twenty-six II, inclusive, with respect to any project approved both by the housing board and by the federal government prior to January first, nineteen hundred and forty, or prior to the date of such election. Except as expressly provided in this section the method of requesting that the foregoing question be placed upon the ballot shall be in accordance with sections nineteen to twenty-one, inclusive, of chapter fifty-three, and the instructions given by any such referendum shall be binding upon the city in which such referendum is held.

SECTION 2. The incorporation of all housing authorities established under authority of section twenty-six L of chapter one hundred and twenty-one of the General Laws, inserted by section five of chapter four hundred and forty-nine of the acts of nineteen hundred and thirty-five, after the twenty-sixth day of July in the year nineteen hundred and thirty-five and prior to the effective date of this act, together with all proceedings, acts and things undertaken, performed or done with respect to such incorporation, are hereby ratified and confirmed, and such housing authorities are declared to be bodies politic and corporate, and shall have all of the powers, and be subject to all the obligations and duties, of housing authorities established under section one of this act.

Certain acts of existing housing authorities ratified and validated.

Approved July 5, 1938.

AN ACT RELATIVE TO THE COMPENSATION OF THE MEMBERS OF THE STATE BOARD OF HOUSING. Chap. 485

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 18, § 17,
etc., amended.

State board
of housing,
members,
term, salary.

SECTION 1. Section seventeen of chapter eighteen of the General Laws, as amended by section one of chapter four hundred and forty-nine of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the tenth line, the word "fifteen" and inserting in place thereof the word:—twenty,—by striking out, in the eleventh line, the word "ten" and inserting in place thereof the word:—fifteen,—by striking out, in the thirteenth line, the word "fifteen" and inserting in place thereof the word:—twenty-five,—and by striking out, in the fourteenth and fifteenth lines, the words "one thousand" and inserting in place thereof the words:—fifteen hundred,—so as to read as follows:—*Section 17.* There shall be in the department a state board of housing, in this and the following section referred to as the housing board, consisting of five members appointed by the governor, with the advice and consent of the council, who shall be designated in their initial appointments to serve respectively for one, two, three, four and five years from December first in the year of appointment. The housing board shall annually elect one of its members as chairman. There shall be paid by the commonwealth to the chairman twenty dollars, and to each of the other members fifteen dollars, for every day spent in the performance of his duties; provided, that the total sum paid hereunder shall not in any year exceed twenty-five hundred dollars in the case of the chairman, and fifteen hundred dollars in the case of each of the other members. Upon the expiration of the term of office of a member, his successor shall be appointed in the manner aforesaid for five years. The majority of the members of the housing board shall constitute a quorum for the transaction of its business. A vacancy therein shall not impair its powers nor affect its duties. It shall have a seal which shall be judicially noticed, and shall make an annual report to the general court and such additional reports to the general court and the governor as it or he shall deem necessary or advisable. The principal office of the housing board shall be in Boston but it may sit at any place within the commonwealth. The time and place of its meetings shall be prescribed by the chairman. Adequate offices in the state house or elsewhere in said city shall be provided for the housing board; and the proper county commissioners shall provide it with suitable rooms in courthouses or other buildings when necessary for hearings outside said city.

When
operative.

SECTION 2. This act shall become operative when sufficient appropriations therefor have been made, and then as of July first of the current year.

Approved July 5, 1938.

AN ACT CHANGING THE NAME OF THE DEPARTMENT OF MENTAL DISEASES, ABOLISHING THE ASSOCIATE COMMISSIONERSHIPS THEREIN, PROVIDING FOR AN ACTING COMMISSIONER THEREIN IN CERTAIN CASES, AND FURTHER DEFINING THE POWERS AND DUTIES OF SAID DEPARTMENT, ITS OFFICERS AND EMPLOYEES AND OF THE TRUSTEES OF INSTITUTIONS UNDER ITS CONTROL. *Chap. 486*

Be it enacted, etc., as follows:

SECTION 1. The name of the department of mental diseases is hereby changed to the department of mental health.

Name of department.

SECTION 2. Chapter nineteen of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 1.* There shall be a department of mental health, in this chapter called the department, and a commissioner of mental health who shall have the exclusive supervision and control of the department. All action of the department shall be taken by the commissioner or, under his direction, by such agents or subordinate officers as he may determine. In the event of the disability or absence of the commissioner, or of a vacancy in his office by reason of death or otherwise, an assistant commissioner of mental health, who shall be appointed by the commissioner, with the approval of the governor and council, shall exercise the powers and perform the duties of the commissioner. Such assistant commissioner shall also perform such other duties as the commissioner may prescribe. The commissioner and assistant commissioner shall be physicians who are diplomates in psychiatry of the American Board of Psychiatry and Neurology, Incorporated, and shall have had at least five years' experience on the resident administrative staff of a state or federal hospital for mental diseases or in any equivalent psychiatric organization, or at least four years' experience as aforesaid and at least one year's experience in the department controlling such hospital. In the event of the death, absence or disability of both the commissioner and the assistant commissioner, the governor, with the advice and consent of the council, may appoint an acting commissioner, who shall serve until the commissioner or the assistant commissioner is able to perform the duties of the office.

G. L. (Ter. Ed.), 19, § 1, amended.

Department of mental health, commissioner, powers and duties.

SECTION 3. Said chapter nineteen is hereby further amended by striking out section two, as so appearing, and inserting in place thereof the following:—*Section 2.* Upon the expiration of the term of office of a commissioner, his successor shall be appointed for six years by the governor, with the advice and consent of the council. The commissioner shall receive such salary, not exceeding ten thousand dollars, and the assistant commissioner such salary, not exceeding seventy-five hundred dollars, as the governor and council may determine. The commissioner and assistant

G. L. (Ter. Ed.), 19, § 2, amended.

Commissioner, assistant commissioner, term, salary.

commissioner shall be reimbursed for expenses necessarily incurred in the performance of their duties, and shall devote their entire time to the affairs of the department.

G. L. (Ter. Ed.), 19, § 3, repealed.

SECTION 4. Section three of said chapter nineteen, as so appearing, is hereby repealed.

G. L. (Ter. Ed.), 19, § 4, amended.

Divisions in the department.

SECTION 5. Said chapter nineteen is hereby further amended by striking out section four, as so appearing, and inserting in place thereof the following: — *Section 4.* The commissioner may organize in the department such divisions as he may determine. He shall appoint and may remove such agents and subordinate officers as he may deem necessary. Physicians, pathologists and psychiatrists shall be exempt from chapter thirty-one.

G. L. (Ter. Ed.), 19, § 4A, amended.

Division of mental hygiene.

SECTION 6. Section four A of said chapter nineteen, as so appearing, is hereby amended by striking out, in the second line, the words "under the supervision" and inserting in place thereof the words: — in charge, — so as to read as follows: — *Section 4A.* There shall be in the department a division of mental hygiene, in charge of a director. The commissioner, with the approval of the governor and council, may employ such expert assistance to serve in said division as may be necessary.

G. L. (Ter. Ed.), 123, § 1, amended.

Definitions.

SECTION 7. Section one of chapter one hundred and twenty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the definitions of "Commissioner" and "Department" and inserting in place thereof the following: —

"Commissioner", commissioner of mental health.

"Department", the department of mental health acting by and through the commissioner of mental health, or by and through the assistant commissioner of mental health in case of the disability or absence of the commissioner, or in case of a vacancy in his office by reason of death or otherwise, or by and through an acting commissioner of mental health in case of the absence or disability of the commissioner and the assistant commissioner.

G. L. (Ter. Ed.), 123, § 4, amended.

Commissioner to administer department.

SECTION 8. Said chapter one hundred and twenty-three is hereby further amended by striking out section four, as so appearing, and inserting in place thereof the following: — *Section 4.* The commissioner shall administer the laws relative to persons in institutions under his general supervision.

G. L. (Ter. Ed.), 123, § 16, amended.

Boarding out of insane persons, regulated.

SECTION 9. Said chapter one hundred and twenty-three is hereby further amended by striking out section sixteen, as so appearing, and inserting in place thereof the following: — *Section 16.* The superintendent of each state hospital may place at board in a suitable family or in a place in this commonwealth or elsewhere any patient in such hospital who is in the charge of the department and is quiet and not dangerous nor committed as a dipsomaniac or inebriate, nor addicted to the intemperate use of narcotics or stimulants. The cost to the commonwealth of the board of such patients supported at the public expense shall not exceed four dollars and fifty cents a week for each patient.

SECTION 10. Section sixteen A of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the first and second lines, the words "department, or the trustees of state hospitals with the approval of the department" and inserting in place thereof the words: — superintendent of each state hospital, — by striking out, in the fourth line, the words "they believe" and inserting in place thereof the words: — he believes, — and by striking out, in the fifth, sixth and seventh lines, the words "Any such patient in a state hospital so placed at board by the trustees thereof, shall be deemed to be an inmate of the state hospital", — so as to read as follows: — *Section 16A.* The superintendent of each state hospital may place at board, under direction, in approved private homes, with provisions for occupational therapy, such patients under supervision as he believes will be benefited from a period of training therein. The number of patients so placed shall be approved by the department. The cost to the commonwealth of the board of such patients supported at the public expense shall not be limited by the amount specified in section sixteen.

G. L. (Ter. Ed.), 123, § 16A, amended.

Same subject.
Homes with provisions for occupational therapy.

SECTION 11. Section twenty-six of said chapter one hundred and twenty-three, as so appearing, is hereby repealed.

G. L. (Ter. Ed.), 123, § 26, repealed.

SECTION 12. Said chapter one hundred and twenty-three is hereby further amended by striking out section twenty-eight, as so appearing, and inserting in place thereof the following: — *Section 28.* The trustees of each state hospital, with the approval of the state treasurer, shall appoint and may remove from such state hospital a treasurer, who shall give bond for the faithful performance of his duties. Said trustees, with the approval of the department, shall appoint a superintendent, who shall be a physician who is a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Incorporated, and shall have had at least four years administrative experience in a state or federal hospital for mental diseases or in any equivalent psychiatric organization, or at least three years' experience as aforesaid and at least one year's experience in the department controlling such hospital. The superintendent, with the approval of the trustees, shall appoint and may remove assistant physicians and necessary subordinate officers and other persons. A superintendent of a state hospital may be removed by the trustees thereof, with the approval of the department, for inefficiency, failure to perform duties properly or other good cause. A superintendent sought to be so removed shall be notified of the proposed action, shall be furnished with a copy of the reasons therefor and shall be given a hearing before the trustees, and be allowed to answer the charges preferred against him, either personally or by counsel. Within twenty days after the hearing hereinbefore provided for, said superintendent may bring a petition in the superior court within and for the county wherein he resides, praying that the action of said trustees may be reviewed by the court, and, after such notice to such trus-

G. L. (Ter. Ed.), 123, § 28, amended.

Trustees, powers and duties.

tees as the court deems necessary, it shall review such action, hear the witnesses, and shall affirm the decision of the trustees unless it shall appear that such decision was made without proper cause or in bad faith, in which case said decision shall be reversed and the petitioner be reinstated in his office without loss of compensation. The decision of the court shall be final and conclusive upon the parties.

G. L. (Ter. Ed.), 123, § 29, amended.

Trustees, additional powers and duties.

SECTION 13. Said chapter one hundred and twenty-three is hereby further amended by striking out section twenty-nine, as so appearing, and inserting in place thereof the following:—*Section 29.* (a) The trustees of each state hospital shall visit and familiarize themselves with their respective state hospitals, and may from time to time make suggestions to the department as to improvements therein, especially such as will make the administration thereof more effective, economical and humane.

(b) All trustees shall have free access to all books, records, and accounts pertaining to their respective state hospitals, and shall be admitted at all times to the buildings and premises thereof.

(c) They shall keep a record of their doings and shall record their visits to the state hospitals in a book kept there for that purpose. They shall transmit promptly to the department a copy of the proceedings of each meeting.

(d) They may personally hear and investigate the complaints and requests of any inmate, his attorney, guardian, conservator or next friend, or any officer or employee of the state hospital. If they deem any such matter of sufficient importance, after determining what, if anything, should be done relative thereto, they shall make written report of their determination to the department.

(e) They may at any time cause the superintendent or any officer or employee of their respective state hospital to appear before them and answer any questions or produce any books or documents relative to the state hospital.

G. L. (Ter. Ed.), 123, § 30, amended.

Instruction to inmates, etc.

SECTION 14. Said chapter one hundred and twenty-three is hereby further amended by striking out section thirty, as so appearing, and inserting in place thereof the following:—*Section 30.* The superintendent of each state hospital, subject to the rules and regulations of the department, shall cause to be given to the nurses, attendants and patients thereof instruction in such arts, crafts, manual training, kindergarten and other branches and lines of occupation as may be appropriate for the patients to undertake, especially such patients as are physically unfit to perform the usual work in or about the hospitals.

G. L. (Ter. Ed.), 123, § 31, amended.

Visitations.

SECTION 15. Said chapter one hundred and twenty-three is hereby further amended by striking out section thirty-one, as so appearing, and inserting in place thereof the following:—*Section 31.* The commissioner shall cause all persons in his charge who are placed at board in families at public expense to be visited at least once in three months.

SECTION 16. Said chapter one hundred and twenty-three is hereby further amended by striking out section thirty-two, as amended by chapter one hundred and fifteen of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 32.* All accounts for the maintenance of each of the state hospitals shall be approved by the superintendent thereof or in his absence by the assistant superintendent, if any, shall be filed with the comptroller and shall be paid by the commonwealth. Full copies of the pay rolls and bills shall be kept at each hospital.

G. L. (Ter. Ed.), 123, § 32, etc., amended.

Approval of accounts.

SECTION 17. Section forty-five of said chapter one hundred and twenty-three, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth and fifth lines, the words "trustees thereof" and inserting in place thereof the word:— superintendent, — so as to read as follows:— *Section 45.* The Walter E. Fernald state school, the Belchertown state school and the Wrentham state school shall each maintain a school department for the instruction and education of feeble minded persons who are within the school age or who in the judgment of the superintendent are capable of being benefited by school instruction, and a custodial department for the care and custody of feeble minded persons beyond the school age or not capable of being benefited by school instruction.

G. L. (Ter. Ed.), 123, § 45, amended.

Schools for feeble minded.

SECTION 18. Section forty-six of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the third line, the words "as the trustees shall see fit", — and by striking out, in the fourth line, the word "trustees" and inserting in place thereof the word:— superintendent, — so as to read as follows:— *Section 46.* Persons received by the Walter E. Fernald state school, by the Belchertown state school and by the Wrentham state school shall be classified in said departments, and the superintendent may receive and discharge pupils, and may at any time discharge any pupil or other inmate and cause him to be removed to his home.

G. L. (Ter. Ed.), 123, § 46, amended.

Same subject.
Reception and discharge of pupils.

SECTION 19. Said chapter one hundred and twenty-three is hereby further amended by striking out section forty-seven, as so appearing, and inserting in place thereof the following:— *Section 47.* The superintendent of either of the state schools mentioned in the two preceding sections may, at his discretion, receive any feeble minded person from any part of the commonwealth upon application being made therefor by the parent or guardian of such person, which application shall be accompanied by the certificate of a physician, qualified as provided in section fifty-three that such person is deficient in mental ability, and that in the opinion of the physician he is a fit subject for said school. The physician who makes the said certificate shall have examined the alleged feeble minded person within five days of his signing and making oath to

G. L. (Ter. Ed.), 123, § 47, amended.

Voluntary admission.

the certificate. The superintendent of either of said state schools may also, at his discretion, receive any person from any part of the commonwealth upon the written request of his parent or legal guardian, and may detain him for observation for a period not exceeding thirty days, to determine whether he is feeble minded.

Application of
certain provi-
sions of law.

SECTION 20. The eligibility requirements provided by this act for superintendents of state hospitals shall not apply to those who were such superintendents immediately prior to the effective date thereof.

Certain
terms, how
construed.

SECTION 21. When used in any statute, ordinance, by-law, rule or regulation the phrases "department of mental diseases" and "commissioner of mental diseases", or any words connoting the same, shall mean the department of mental health and the commissioner of mental health, respectively, unless a contrary intention clearly appears.

Temporary
provisions.

SECTION 22. After the effective date of this act, the department of mental diseases as theretofore constituted shall continue under its new name, except as otherwise provided in this act. The employees of said department of mental diseases, and institutions under the control of said department, upon said effective date who are subject to the civil service laws shall continue to serve in said department under its new name without impairment of their civil service status, and such employees shall retain any step increases from the minimum pay of their grade earned during their service with said department, and for retirement purposes their service with said department shall be deemed to be continuous service, as such term is defined in section one of chapter thirty-two of the General Laws. Non-civil service employees of said institutions on said effective date shall continue to serve in said department under its new name without any impairment of their status, and for retirement purposes their service with said department shall be deemed to be continuous service, as such term is defined in said section one of said chapter thirty-two. The commissioner of said department in office on said effective date shall continue, under his new title, to hold office in accordance with the terms of his appointment subject to all provisions of general law, but the tenure of office of the associate commissioners of said department shall cease and determine on said effective date.

Approved July 7, 1938.

Chap. 487 AN ACT RELATIVE TO THE USE OF CERTAIN ELECTION DISTRICTS IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. The wards established in the city of Pittsfield in the year nineteen hundred and thirty-four as authorized by section one of chapter fifty-four of the General Laws, and the precincts established in said city in the year

nineteen hundred and thirty-five or which may be subsequently established therein as authorized and directed by sections two and three of said chapter fifty-four, shall be used for all primaries and elections held in said city, and for such purposes election officers shall be appointed and voting lists shall be prepared and all other things required by law shall be done in accordance with the lines of the wards and precincts so established, notwithstanding the provisions of section four of said chapter fifty-four; provided, that upon a redivision of said city into wards under said section one the provisions of said section four shall apply therein. The appointment of election officers for said city and the voting lists therein prepared in accordance with the lines of the wards and precincts heretofore established as aforesaid are hereby ratified and confirmed and shall have the same effect and validity as though said appointments and the preparation of said lists in the manner aforesaid were then authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved July 13, 1938.

AN ACT AUTHORIZING THE CITY OF MEDFORD TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES. Chap. 488

Be it enacted, etc., as follows:

SECTION 1. The city of Medford is hereby authorized to use for school and school-yard purposes such portion of a certain parcel of land situated on Main street and Morton avenue in said city, known as Tufts park, and now used by said city for park purposes, as may be designated by the board of aldermen of said city, with the approval of the mayor; and thereafter the portion aforesaid shall be under the same care and control as other school property.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1938.

AN ACT RELATIVE TO UNPAID APPORTIONMENTS OF BETTERMENT ASSESSMENTS AND TO THE TAXATION OF INCOMES AND OF CERTAIN BUSINESS AND MANUFACTURING CORPORATIONS, AND REPEALING THE PROVISION OF LAW THAT INDIVIDUALS UNDER CERTAIN CIRCUMSTANCES SHALL BE PRESUMED TO BE INHABITANTS OF THE COMMONWEALTH FOR INCOME TAX PURPOSES. Chap. 489

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter eighty of the General Laws, as most recently amended by section one of chapter three hundred and fifteen of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the last sentence and inserting in place thereof the following new paragraph:—

G. L. (Ter. Ed.), 80, § 13, etc., amended.

Collection
of unpaid
tax.

Notwithstanding a prior apportionment, the assessors, upon written application of the owner of the land assessed, shall order that the amount remaining unpaid of any assessment be payable in full forthwith and shall commit said amount, together with interest thereon from thirty days after the commitment of the original assessment, with their warrant therefor, to the collector for collection.

SECTION 2. Chapter three hundred and seven of the acts of nineteen hundred and thirty-three is hereby amended by striking out section nine, as most recently amended by section one of chapter three hundred and ninety-five of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: — *Section 9.* Income received by any inhabitant of the commonwealth during the years nineteen hundred and thirty-three, nineteen hundred and thirty-four and nineteen hundred and thirty-five from dividends on shares in all corporations, joint stock companies and banking associations, organized under the laws of this commonwealth or under the laws of any state or nation, except co-operative banks, building and loan associations and credit unions chartered by the commonwealth, and except savings and loan associations under the supervision of the commissioner of banks, and income received by any inhabitant of the commonwealth during the years nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine and nineteen hundred and forty from such dividends, other than stock dividends paid in new stock of the company issuing the same, shall be taxed at the rate of six per cent per annum. Inhabitant of the commonwealth shall include (a) estates and fiduciaries specified in sections nine, ten, thirteen and fourteen of chapter sixty-two of the General Laws, (b) partnerships specified in section seventeen of said chapter sixty-two, and (c) partnerships, associations or trusts, the beneficial interest in which is represented by transferable shares, specified in paragraphs entitled First, Second and Third of subsection (c) of section one of said chapter sixty-two. Except as otherwise provided in this section, the provisions of said chapter sixty-two shall apply to the taxation of income received by any such inhabitant during said years. Subsection (b) of section one of said chapter sixty-two shall not apply to income received during said years.

SECTION 3. Said chapter three hundred and seven is hereby further amended by striking out section nine A, as most recently amended by section two of said chapter three hundred and ninety-five, and inserting in place thereof the following: — *Section 9A.* The credit for dividends paid to inhabitants of this commonwealth by foreign corporations provided by section forty-three of chapter sixty-three of the General Laws in determining the tax leviable on such corporations under paragraph (2) of section thirty-nine of said chapter sixty-three shall not be allowed to foreign

corporations or to foreign manufacturing corporations in respect to dividends so paid in the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine and nineteen hundred and forty.

SECTION 4. Said chapter three hundred and seven is hereby further amended by striking out section ten, as most recently amended by section three of said chapter three hundred and ninety-five, and inserting in place thereof the following:— *Section 10.* Every corporation organized under the laws of this commonwealth, and every corporation doing business therein, including every banking association organized under the laws of any state or nation, and every partnership, association or trust the beneficial interest in which is represented by transferable shares, doing business in the commonwealth unless the dividends paid on its shares are exempt from taxation under said section one of said chapter sixty-two shall in the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty and nineteen hundred and forty-one file with the commissioner of corporations and taxation, hereinafter called the commissioner, in such form as he shall prescribe, a complete list of the names and addresses of its shareholders as of record on December thirty-first next preceding, or on any other date satisfactory to the commissioner, or, in its discretion, of such shareholders as are residents of the commonwealth, together with the number and class of shares held by each shareholder, and the rate of dividends paid on each class of stock for said preceding year. The second paragraph of section thirty-three of said chapter sixty-two shall not apply to returns relative to shareholders receiving dividends in the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine and nineteen hundred and forty.

SECTION 5. Said chapter three hundred and seven is hereby further amended by striking out section eleven, as most recently amended by section four of said chapter three hundred and ninety-five, and inserting in place thereof the following:— *Section 11.* The state treasurer shall, on or before November twentieth, in the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty and nineteen hundred and forty-one, distribute to the several cities and towns, in proportion to the amounts of state tax imposed

upon such cities and towns in said years, respectively, the proceeds of the taxes collected by the commonwealth under section nine of this act, after deducting a sum sufficient to reimburse the commonwealth for the expenses incurred in the collection and distribution of said taxes, and for such of said taxes as have been refunded under section twenty-seven of chapter fifty-eight of the General Laws, during said years, together with any interest or costs paid on account of refunds, which shall be retained by the commonwealth; provided, that the state treasurer may withhold out of the amount to which any city or town would otherwise be entitled as aforesaid so much thereof as is necessary to pay the principal or interest of any bonds or notes issued by such city or town under section two of this act and then held by the commonwealth and remaining unpaid, and thereafter interest shall be payable only on the balance of such bonds or notes remaining unpaid. Any amount payable to a city or town hereunder shall be included by the assessors thereof as an estimated receipt, and be deducted, in accordance with section twenty-three of chapter fifty-nine of the General Laws, from the amount required to be raised by taxation to meet appropriations made in such years for public welfare, soldiers' benefits and maturing debts, in that order.

SECTION 6. Section one of chapter three hundred and seventeen of the acts of nineteen hundred and thirty-four is hereby amended by striking out the first paragraph, as most recently amended by section five of said chapter three hundred and ninety-five, and inserting in place thereof the following: — During the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty and nineteen hundred and forty-one, every corporation subject to section thirty-eight B of chapter sixty-three of the General Laws shall, except as provided in section fifty-six A of said chapter, as amended by section three hereof, pay annually a minimum excise of not less than the amount, if any, by which the sum of (1), (2), (3) and (4) following exceeds six per cent of the dividends paid by such corporation during the year corresponding to that in which the income is received: —

SECTION 7. Any reference in said chapter three hundred and seventeen or in section four of chapter three hundred and sixty-two of the acts of nineteen hundred and thirty-six to section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three shall be taken to refer to said section, as most recently amended by section two of this act.

SECTION 8. Section twenty-one A of chapter sixty-two of the General Laws, inserted by chapter three hundred and ten of the acts of nineteen hundred and thirty-six, is hereby repealed.

Approved July 15, 1938.

AN ACT CEDING JURISDICTION TO THE UNITED STATES OF AMERICA OVER CERTAIN LAND IN BOSTON HARBOR FOR THE PURPOSE OF EXTENDING THE PRESENT LIMITS OF THE BOSTON NAVY YARD. Chap. 490

Be it enacted, etc., as follows:

SECTION 1. For the purpose of enabling the United States of America to extend the present limits of the Navy Yard in Boston harbor, the commonwealth, subject to the conditions hereinafter imposed, hereby grants and cedes to the United States of America jurisdiction over and all right and claim of the commonwealth to those portions of land covered by navigable water lying outboard of the Pier and Bulkhead line approved by the Secretary of War on September seventh, eighteen hundred and ninety-eight, and between that line and the Pierhead and Bulkhead line approved by the Secretary of War on June twenty-fifth, nineteen hundred and eighteen. The areas and the lines in question are shown on a plan entitled "Location and Area between Bulkhead Lines 1898-1918, P. W. Drawing No. 390-27", dated September fourteenth, nineteen hundred and thirty-seven, and the areas are described by metes and bounds as follows: —

Area 1. Beginning at a point "P" located about 12.5 feet northwest of the north corner of Building No. 114 in the Boston Navy Yard, said point being marked by a vertical crowfoot cut in the granite belt course of the wall on the south side of Chelsea street; thence N. 78° 29' 13.6" E. a distance of 71.31 feet to a point in the south channel of the Mystic river; thence S. 78° 09' 08.8" E. a distance of 579.05 feet to a point on the outer face of the boundary wall of the Navy Yard; thence S. 79° 36' 57" W. along the outer face of the boundary wall, a distance of 336.30 feet to a point, said point being 1.27 feet east of the east corner of Building No. 114; thence N. 61° 34' 28" W. on a line parallel to Building No. 114 a distance of 347.67 feet to the point of beginning; said parcel containing 44,830 square feet.

Area 2. Beginning at a point on the outer face of the boundary wall of the Navy Yard bordering on the south channel of the Mystic river, said point being located about 302 feet from the southerly end of the boundary wall of the Navy Yard; thence S. 78° 09' 08.8" E. a distance of 160.91 feet to a point in the south channel of the Mystic river; thence S. 8° 23' 12.6" E. a distance of 178.23 feet to a point on the outer face of the said boundary wall, said point being 23.6 feet from the southerly end of the said wall; thence N. 41° 13' 51" W. along the outer face of said wall, a distance of 278.38 feet to the point of beginning; said parcel being triangular in shape and containing 13,450 square feet.

Area 3. Beginning at a point near the southwest corner of Pier No. 2, said point being the point of divergence be-

tween the Pierhead and Bulkhead lines of 1898 and 1918 as authorized by the Secretary of War; thence N. $79^{\circ} 26' 15''$ E. a distance of 716.88 feet to a point in the slip between piers No. 4 and 4A in the Navy Yard, said point being about 90 feet southwest of the southwest corner of Pier 4A; thence N. $49^{\circ} 40' 33''$ E. a distance of 250 feet to a point in the slip between Piers 4A and 5 in the Navy Yard, said point being on the southwest line of Building No. 42 in the Navy Yard extended in a southerly direction and at a distance of 625 feet from the southwest corner of said Building No. 42; thence N. $24^{\circ} 44' 33''$ E. a distance of 1141.08 feet to a point in the slip between Piers 8 and 9; thence N. $5^{\circ} 18' 59''$ E. a distance of 1104.27 feet to a point about 30 feet south of the quay wall near the east end of the Navy Yard, said point being at the point of intersection of the Pierhead and Bulkhead lines of 1898 and 1918 as authorized by the Secretary of War; thence S. $8^{\circ} 23' 12.6''$ E. a distance of 705.2 feet to a point in the Mystic river; thence S. $17^{\circ} 10' 29.6''$ W. a distance of 1814.3 feet to a point at the confluence of the Mystic and Charles rivers; thence S. $49^{\circ} 40' 56.7''$ W. a distance of 75 feet to another point at the confluence of the Mystic and Charles rivers, thence S. $88^{\circ} 25' 52.4''$ W. a distance of 921.0 feet to a point in the Charles river; thence N. $40^{\circ} 22' 20.9''$ W. a distance of 100 feet to the point of beginning; said parcel containing 479,750 square feet.

SECTION 2. The jurisdiction hereby granted and ceded shall not vest with respect to said areas until the United States of America shall have filed in the office of the state secretary by an agent designated by the Secretary of War, a copy of the plan referred to in section one; and such jurisdiction is granted and ceded upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said areas, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said areas, may be executed thereon in the same manner as though this cession had not been made; provided, that the title to, and the exclusive jurisdiction over, said areas shall revert to and revest in the commonwealth whenever said areas shall cease to be used for the purposes set forth in section one.

SECTION 3. The United States government is hereby authorized to fill said ceded areas in accordance with plans to be filed with and approved by the state department of public works and to place such structures in or over the said areas as may be necessary for the purpose for which the same are granted.

Approved July 15, 1938.

AN ACT PROVIDING FOR THE CONSTRUCTION UNDER CHELSEA CREEK OF AN ADDITIONAL SIPHON AS A PART OF THE NORTH METROPOLITAN SEWERAGE SYSTEM. Chap. 491

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to construct a siphon under Chelsea creek as a part of the north metropolitan sewerage system, and for this purpose may exercise all the powers conferred upon it by chapter ninety-two of the General Laws relative to the construction of systems of sewage disposal. For the purpose of meeting the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon the request of the commission, issue or sell at public or private sale temporary notes of the commonwealth. Such temporary notes shall be issued, and may be renewed, for such maximum term of years as the governor may recommend to the general court in accordance with section 3 of Article LXII of the amendments to the constitution of the commonwealth and shall bear interest at such rate as shall be fixed by the state treasurer, with the approval of the governor and council. The total amount of all notes issued hereunder shall not exceed the sum of two hundred and fifty thousand dollars. All interest payments and payments on account of principal on such notes shall be deemed to be, and shall be paid as, a part of the interest, sinking fund or serial bond requirements and costs specified in chapter four hundred and thirty-nine of the acts of eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto and affecting the same, and shall be apportioned, assessed and collected in the manner provided by the provisions of chapter ninety-two of the General Laws relative to the north metropolitan sewerage system.

Approved July 15, 1938.

AN ACT PROVIDING FOR THE SUSPENSION OF CERTIFICATES OF REGISTRATION IN CASES OF NON-PAYMENT OF THE EXCISE ON REGISTERED MOTOR VEHICLES. Chap. 492

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty A of the General Laws is hereby amended by inserting after section two, as amended, the following new section: — *Section 2A*. If an excise assessed on a motor vehicle and payable under this chapter has not been paid at its due date, the local tax collector or the commissioner, as the case may be, shall forthwith transmit to the registrar of motor vehicles, hereinafter called the

G. L. (Ter. Ed.), 60A, new section 2A, added.

Suspension of registration for non-payment of excise tax on motor vehicles.

registrar, upon a form approved by the commissioner, a notice of such non-payment, specifying the name and address of the person to whom the excise was assessed, the amount of the excise due and such information as to the motor vehicle assessed as was contained in the notice transmitted by the registrar to the commissioner under section two. Unless it appears from the records of the registrar that the person to whom the excise has been assessed has transferred his ownership in such motor vehicle, the registrar shall forthwith give him written notice by mail directed to his last known address that the certificate of registration of such motor vehicle will be suspended at the expiration of thirty days from the date of mailing such notice unless within said period there is filed with the registrar evidence satisfactory to him that the excise due has been paid. Unless such evidence is so filed with the registrar, he shall forthwith suspend the certificate of registration of such motor vehicle. If such evidence is not so filed within five days after any such suspension the registrar shall forthwith send notice of such suspension to the company which issued or executed as surety any motor vehicle liability policy or bond, both as defined in section thirty-four A of chapter ninety, covering such motor vehicle, and thereupon such policy or bond shall be cancelled by operation of law. The fact that a motor vehicle is being operated during any such suspension of its certificate of registration shall not be held to constitute such motor vehicle a trespasser upon the highways. The registrar shall not terminate any such suspension until such evidence shall have been filed with him. The notice to the owner provided for in section two shall contain a copy of this section.

G. L. (Ter. Ed.), 60A, § 4, etc., amended.

Law respecting registration of motor vehicles, how affected.

SECTION 2. Said chapter sixty A is hereby amended by striking out section four, as amended by section four of chapter four hundred and eighty of the acts of the current year, and inserting in place thereof the following:—*Section 4.* The provisions of this chapter, other than those contained in section two A thereof, shall not be construed to alter or amend the provisions of law with respect to the registration of motor vehicles or trailers.

Approved July 15, 1938.

Chap. 493 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF ACTON UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Acton shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to police officers in towns, and the tenure of office of any incumbent of said office shall be unlimited, subject, however, to such laws, but the present incumbent of said

office may continue to serve therein without taking a civil service examination.

SECTION 2. This act shall take full effect upon its acceptance by vote of the inhabitants of said town at a special town meeting held during the current year, but not otherwise.

Approved July 15, 1938.

AN ACT MAKING ADDITIONAL APPROPRIATIONS TO CARRY OUT
A PUBLIC WORKS PROGRAM FOR THE PURPOSE OF ALLEVI-
ATING EXISTING CONDITIONS RESULTING FROM UNEM-
PLOYMENT AND PROVIDING FOR THE PAYMENT BY THE
COMMONWEALTH TO ITS MUNICIPALITIES OF A PORTION OF
THE HIGHWAY FUND. Chap. 494

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. To provide for the employment of additional labor and for other personal services and expenses as a measure of relief during the present emergency caused by unemployment, the sums set forth in section two, for the several purposes therein specified, are hereby appropriated from the Highway Fund, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Service of the Department of Public Works.

Item		
A	For the construction and repair of town and county ways, a sum not exceeding five hundred thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$500,000 00
B	For the maintenance and repair of state highways, exclusive of such maintenance and repair thereof as shall be carried out as Works Progress Administration projects, a sum not exceeding eight hundred thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	800,000 00
C	For the reconstruction and repair of state highways, which reconstruction and repair thereof shall be only such as shall be carried out as Works Progress Administration projects, a sum not exceeding five hundred thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	500,000 00
D	For the purpose of enabling the department of public works to secure federal aid for the construction and reconstruction of highways, including bridges, a sum not exceeding seven hundred and fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	750,000 00
E	For the payment of damages for property acquired in connection with the carrying out of the provisions of Item D, the sum of two hundred thousand dollars . . .	200,000 00

<i>Service of the Metropolitan District Commission.</i>	
Item	
F	For the construction, reconstruction, repair and maintenance of boulevards and roadways within the jurisdiction of the metropolitan district commission, a sum not exceeding two hundred and fifty thousand dollars, the same to be in addition to any sum heretofore appropriated therefor; provided, that none of the expenses incurred under this item shall be assessed upon the cities and towns comprising the metropolitan parks district
	\$250,000 00
Total	\$3,000,000 00

SECTION 3. Any authorization for expenditure under item F of section two for maintenance of boulevards and roadways shall be held to authorize expenditure for maintenance of such roads, roadways, parkways and bridges under the jurisdiction of the metropolitan district commission as are surfaced with macadam or other hard material and open to motor vehicular traffic, whether constructed under general or special law within or without a reservation or open space, and however the costs of maintenance of any such road, roadway, parkway or bridge may otherwise be required to be paid or assessed.

SECTION 4. The department of public works or the metropolitan district commission, as the case may be, shall have full authority to carry out negotiations, and enter into agreements relative to work authorized to be carried out by it hereunder, with the appropriate agencies of the federal government if deemed advisable by it. The commonwealth may accept and use for the purposes of this act any grant of federal funds, and such grants shall be in addition to the amounts appropriated by this act.

SECTION 5. [Disapproved by the governor by message to the house of representatives filed July 16, 1938. Objections of governor sustained by vote of the house of representatives July 16, 1938.] *Approved July 16, 1938.*

Chap.495 AN ACT AUTHORIZING THE CITY OF PEABODY TO REINSTATE FRED H. WYMAN IN THE STREET DEPARTMENT OF SAID CITY FOR THE SOLE PURPOSE OF BEING RETIRED.

Be it enacted, etc., as follows:

SECTION 1. The city of Peabody is hereby authorized to reinstate Fred H. Wyman of said city in the street department of said city for the sole purpose of being retired.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the city council of said city subject to the provisions of its charter, but not otherwise. *Approved July 16, 1938.*

AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH. *Chap. 496*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The terms of the notes which the state treasurer is authorized to issue under chapter four hundred and ninety-one of the acts of the current year, providing for the construction under Chelsea creek of an additional siphon as a part of the north metropolitan sewerage system, shall not exceed five years, as recommended by the governor in a message to the general court dated July fifteenth, nineteen hundred and thirty-eight, in pursuance of section 3 of Article LXII of the amendments to the constitution.

Approved July 16, 1938.

AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS. *Chap. 497*

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act, and for certain new activities and projects, the sums set forth in section two, for the particular purposes and subject to the conditions stated therein, are hereby appropriated from the general fund or ordinary revenue of the commonwealth, unless some other source of revenue is expressed, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Service of the Legislative Department.

Item

- | | | |
|----|--|------------|
| 3 | For the compensation of representatives, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose | \$4,000 00 |
| 14 | For compensation of the pages of the senate and house of representatives, with the approval of the sergeant-at-arms, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose | 200 00 |
| 19 | For personal services of the counsel to the house of representatives and assistants, a sum not exceeding forty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose | 4,750 00 |

Item		
22	For traveling and other expenses of the committees of the present general court as may be authorized by order of either branch of the general court, a sum not exceeding five hundred dollars, the same to be in addition to any sums appropriated heretofore for the same purposes	\$500 00
22a	For the participation by the commonwealth in the celebration of the three hundredth anniversary of the first permanent settlement in this country of the Swedish Colonists and of the Finnish Colonists, as authorized by chapter twenty-nine of the resolves of the present year, a sum not exceeding seventy-five hundred dollars	7,500 00
22b	For the participation by the commonwealth in the World's Fair to be held in New York City in the year nineteen hundred and thirty-nine, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding seventy-five thousand dollars	75,000 00
23	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches, a sum not exceeding thirty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	30,000 00
30	For office expenses of the counsel to the house of representatives, a sum not exceeding fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	50 00
32	For telephone service, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,000 00
32a	For the payment of witness fees to persons summoned to appear before committees of the general court, and for expenses incidental to summoning them, with the approval of the sergeant-at-arms, a sum not exceeding two hundred dollars	200 00
32b	For the consolidation and arrangement of certain laws, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding five thousand dollars	5,000 00
33c	For an investigation relative to the so-called Pocasset branch of the Wampanoag tribe of Indians, as authorized by chapter twenty-two of the resolves of the present year, a sum not exceeding one hundred dollars	100 00
33d	For an investigation relative to providing for the propagation of lobsters, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars	2,500 00
33e	For continuing the investigation relative to the sanitary condition of certain rivers in the commonwealth, as authorized by chapter twenty-five of the resolves of the present year, a sum not exceeding thirty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,500 00
33f	For an investigation and study relative to the problems affecting unemployed youth in the commonwealth and the advisability of establishing conservation camps for the relief of unemployed and for the improvement of state lands and properties,	

Item		
	as authorized by chapter twenty-six of the resolves of the present year, a sum not exceeding five hundred dollars	\$500 00
33g	For an investigation and study of laws relative to the marine fisheries of the commonwealth, as authorized by chapter thirty-two of the resolves of the present year, a sum not exceeding fifteen hundred dollars	1,500 00
33h	For an investigation relative to providing additional accommodations and equipment at the Soldiers' Home in Massachusetts and the purposes for which said institution shall be operated, as authorized by chapter thirty-four of the resolves of the present year, a sum not exceeding five hundred dollars	500 00
33i	For an investigation relative to the commitment of certain juvenile offenders to county training schools, as authorized by chapter thirty-six of the resolves of the present year, a sum not exceeding two hundred dollars	200 00
33j	For a study relative to the Boston Airport, so-called, as authorized by chapter forty of the resolves of the present year, a sum not exceeding fifteen hundred dollars	1,500 00
33k	For an investigation relative to the granting of vacations, sick leaves and other leaves of absence to officers and employees of the commonwealth, as authorized by chapter forty-three of the resolves of the present year, a sum not exceeding fifteen hundred dollars	1,500 00
33l	For a study by the commission on administration and finance of architects' plans and estimates of cost for the construction of an addition to the state house, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding one thousand dollars	1,000 00
33m	For an investigation relative to the payment by the commonwealth of the funeral and burial expenses in case of the decease of certain inmates of state institutions, as authorized by chapter forty-nine of the resolves of the present year, a sum not exceeding one thousand dollars	1,000 00
33n	For an investigation relative to the registration of osteopaths and chiropractors and the practice of osteopathy and chiropractic, relative to the advisability of establishing a single board for the examination of applicants for registration to practice any of the healing arts, and relative to certain food, drugs and poisons, as authorized by chapter fifty-three of the resolves of the present year, a sum not exceeding one thousand dollars	1,000 00
33o	For an investigation relative to workmen's compensation insurance, including coverage for silicosis and other hazardous employment, and relative to self-insurance by employees, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding two thousand dollars	2,000 00
33p	For a study of the general subject of conservation, including state parks and public provision for recreation, conservation of wild life and the natural resources, of the organization of the department of conservation, and of the laws relative to said subjects, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars	2,500 00

Item		
33q	For an investigation and study of certain functions and activities affecting the cities and towns within the several metropolitan districts, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding twenty-five hundred dollars, the same to be paid as a part of the cost of maintenance of metropolitan parks reservations	\$2,500 00
33r	For an investigation relative to the matter of the supervision and regulation by the commonwealth of agencies engaged in securing employment for nurses, as authorized by chapter sixty-six of the resolves of the present year, a sum not exceeding fifteen hundred dollars	1,500 00
33s	For an investigation relative to the amount of insurance to be issued upon any one life by savings and insurance banks, as authorized by chapter sixty-seven of the resolves of the present year, a sum not exceeding two thousand dollars	2,000 00
33t	For an investigation relative to the systems of sewerage and sewage disposal in the north and south metropolitan sewerage districts and the city of Boston, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding twenty-five thousand dollars, the same to be assessed in equal portions upon the north metropolitan sewerage district and the south metropolitan sewerage district	25,000 00
33u	For an investigation relative to the unemployment compensation law, as authorized by chapter eighty of the resolves of the present year, a sum not exceeding two thousand dollars	2,000 00
33v	For an investigation relative to civil service laws, rules and regulations, as authorized by chapter eighty-two of the resolves of the present year, a sum not exceeding twenty-five hundred dollars	2,500 00
33w	For an investigation relative to the operation, financing and maintenance of the Sumner Tunnel, so-called, in the city of Boston, as authorized by chapter eighty-three of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be paid from the Highway Fund	1,000 00
33x	For an investigation relative to providing additional penal institutions and necessary equipment therefor, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding two thousand dollars	2,000 00
33y	For certain expenses of the joint special committee to investigate all appointments made by the unemployment compensation commission, as authorized by a joint order of the general court, a sum not exceeding three thousand dollars	3,000 00
33z	For certain expenses of the joint special committee established for the purpose of recommending a new division of the commonwealth into councilor and senatorial districts and a new apportionment of representatives to the several counties, as authorized by a joint order of the general court, a sum not exceeding two thousand four hundred and ninety-nine dollars	2,499 00
Total		<u>\$192,499 00</u>

Service of the Judicial Department.

Item

44 (This item omitted.)

For clerical assistance to Registers of the several counties, as follows:

68	Essex, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$100 00
71	Hampshire, a sum not exceeding four hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	450 00

Land Court:

87	For engineering, clerical and other personal services, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and in further addition thereto a transfer is hereby made in the sum of five hundred and twenty dollars from Item 88 of chapter three hundred and fifty-six of the acts of the present year	800 00
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Total	\$1,350 00
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Service of the Executive Department.

97	For the salaries of officers and employees of the department, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,500 00
98	(This item omitted.)	

Special:

104a	For expenses in aid of the work of the New England Governors' Freight Rate Committee, with the approval of the governor and council, as authorized by chapter sixty-nine of the resolves of the present year, a sum not exceeding twenty-six thousand two hundred dollars	26,200 00
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Service of the Militia.

125	For services and expenses of the military reservation located in Barnstable county, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$2,500 00
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Service of the State Quartermaster.

134	For the salaries of armorers and assistant armorers of first-class armories, and superintendent of armories, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,000 00
135	For incidental military expenses of the quartermaster's department, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	600 00
140	For expense of maintaining and operating the Camp Curtis Guild rifle range, a sum not exceeding seventeen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,700 00

Item

140a	For the payment to the city of Boston of an amount improperly charged and collected by the commonwealth from said city on account of the use of Camp Curtis Guild, with the approval of the adjutant general, the sum of six hundred thirty dollars and seventy-four cents	\$630 74
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Total	\$3,930 74
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Service of the Commission on Administration and Finance.

147	For personal services of the bureau of the comptroller, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
149	For other personal services of the commission, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
150	For other expenses incidental to the duties of the commission, a sum not exceeding fourteen thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	14,500 00
	Total	<u>\$19,000 00</u>

Service of the Military Reservation Commission.

153a	For compensation for the commanding general of the twenty-sixth division of the national guard for service as a member of the special military reservation commission, a sum not exceeding one hundred dollars	\$100 00
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Service of the Armory Commission.

154a	For the cost of providing an addition to the state armory in the city of New Bedford with the aid of federal funds, subject to the provisions of chapter fifteen of the resolves of the present year, a sum not exceeding twenty thousand dollars	\$20,000 00
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For Expenses on Account of Wars.

159	For certain care of veterans of the civil war, their wives and widows, as authorized by section twenty-five of chapter one hundred and fifteen of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,800 00
159a	For expenses of the Grand Army of the Republic, Department of Massachusetts, as authorized by chapter two of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	Total	<hr/> \$2,800 00

Service of the Massachusetts Soldiers' Home.

163a	For expenses of engineering services in making an investigation of the reconstruction of the power plant at the Soldiers' Home in Massachusetts,	
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Item

and other expenses related thereto, to be expended under the cooperation and joint approval of the commission on administration and finance and the trustees of said home, a sum not exceeding five hundred dollars \$500 00

Service of the Art Commission.

164a For restoring and protecting certain portraits of former governors, with the approval of the art commission, a sum not exceeding six hundred dollars \$600 00

Service of the Greylock State Reservation.

168a For the purchase of certain land for the Greylock state reservation, as authorized by chapter four hundred and forty-three of the acts of the present year, a sum not exceeding three thousand dollars \$3,000 00

Service of the State Racing Commission.

173	For personal services, a sum not exceeding seven-hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,760 00
174	For other administrative expenses, including rent of offices, travel, and office and incidental expenses, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
Total		<hr/> \$2,760 00

Service of the Superintendent of Buildings.

180	For personal services of engineers, assistant engineers, firemen and helpers in the engineer's department, a sum not exceeding sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$60 00
183	For other personal services incidental to the care and maintenance of the state house, a sum not exceeding thirty-four hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,450 00
186	For telephone service in the building and expenses in connection therewith, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
188	For other services, supplies and equipment necessary for the maintenance and care of the state house and grounds, including repairs of furniture and equipment, a sum not exceeding eleven hundred and ninety-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,195 00
Total		<hr/> \$6,205 00

Service of the Secretary of the Commonwealth.

Item		
	For printing laws, etc.:	
202	For printing and distributing the pamphlet edition and for printing and binding the blue book edition of the acts and resolves of the present year, including the cost of printing the Boston Building Code, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,000 00
204a	For printing the laws relative to retirement systems and pensions for the cities and towns of the commonwealth, as authorized by chapter eleven of the resolves of the present year, a sum not exceeding fifteen hundred dollars	1,500 00
	Total	\$2,500 00

Service of the Treasurer and Receiver-General.

213	For salaries of officers and employees holding positions established by law and additional clerical and other assistance, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$600 00
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Service of the Emergency Finance Board.

224	For administrative expenses of the emergency finance board, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
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Interest on the Public Debt.

227	For the payment of interest on the direct debt of the commonwealth, a sum not exceeding fifty-eight hundred four dollars and seventeen cents, the same to be in addition to any amount heretofore appropriated for the purpose	\$5,804 17
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Service of the Attorney General's Department.

233	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,500 00
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Service of the Department of Agriculture.

	Division of Dairying and Animal Husbandry:	
242	For personal services, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$400 00
245	For expenses of administering sections forty-two A to forty-two K, inclusive, of chapter ninety-four of the General Laws, as appearing in section two of chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-three and as amended, relative to the licensing and bonding	

Item		
	of milk dealers, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	\$500 00
	Division of Markets:	
248	For personal services, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
	Division of Livestock Disease Control:	
256	For personal services of clerks and stenographers, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	200 00
257	For services other than personal, including printing the annual report, traveling expenses of the director, office supplies and equipment, and rent, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
258	For personal services of veterinarians and agents engaged in the work of extermination of contagious diseases among domestic animals, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,800 00
259	For traveling expenses of veterinarians and agents, including the cost of any motor vehicles purchased for their use, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
260	For reimbursement of owners of horses killed during the present and previous years, travel, when allowed, of inspectors of animals, incidental expenses of killing and burial, quarantine and emergency services, and for laboratory and veterinary supplies and equipment, a sum not exceeding twelve hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,250 00
	Total	\$5,650 00

Service of the Department of Conservation.

	Division of Forestry:	
273	For personal services of office assistants, a sum not exceeding one hundred and eighty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$180 00
278	For the development of state forests, including salaries and expenses of foresters and the cost of maintenance of such nurseries as may be necessary for the growing of seedlings for the planting of state forests, as authorized by sections one, six, nine and thirty to thirty-six, inclusive, of chapter one hundred and thirty-two of the General Laws, as amended, a sum not exceeding fifteen thousand two hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	15,240 00

Item

Division of Parks:

- 283 For personal services for certain administrative purposes and for certain consulting services, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$1,500 00

Division of Fisheries and Game:

- 302a For the construction and improvements of certain fishways, a sum not exceeding two hundred and fifty dollars, and in addition thereto there is hereby transferred the sum of fifteen hundred dollars from Item 308 of chapter three hundred and fifty-six of the acts of the present year and the sum of three thousand dollars from Item 310 of said chapter three hundred and fifty-six 250 00
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- Total \$17,170 00

Service of the Department of Banking and Insurance.

Division of Banks:

- 315 For services of deputy, directors, examiners and assistants, clerks, stenographers and experts, a sum not exceeding nineteen hundred and twenty dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$1,920 00
- 316 For services other than personal, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose 750 00

Division of Insurance:

- 320 For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, a sum not exceeding fourteen thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose 14,500 00
- 321 For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to be paid from the Highway Fund 2,000 00
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- Total \$19,170 00

Service of the Department of Corporations and Taxation.

Corporations and Tax Divisions:

- 326 For the salaries of certain positions filled by the commissioner, with the approval of the governor and council, and for additional clerical and other assistance, a sum not exceeding seventeen hundred and thirty dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$1,730 00
- 327 (This item omitted.)

Item		
	Income Tax Division (the two following appropriations are to be made from the receipts from the income tax):	
329	For the premium on a certain bond filed in the state of Texas to permit suit in that state to recover judgment against Edgar B. Davis in relation to an unpaid income tax, a sum not exceeding thirteen thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$13,500 00
330	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, a sum not exceeding eleven thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	11,000 00
	Reimbursement for loss of taxes:	
337	For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the fiscal year ending November thirtieth, nineteen hundred and thirty-eight, a sum not exceeding eleven hundred twenty dollars and twenty-six cents, the same to be in addition to any amount heretofore appropriated for the purpose	1,120 26
	Total	\$27,350 26

Service of the Department of Education.

341	For personal services of officers, agents, clerks, stenographers and other assistants, but not including those employed in university extension work, a sum not exceeding thirteen hundred and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,370 00
342	For traveling expenses of members of the advisory board and of agents and employees when required to travel in discharge of their duties, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	400 00
	University Extension Courses:	
360	For personal services, a sum not exceeding eighteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	18,000 00
361	For other expenses, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
363	(This item omitted.)	
365	(This item omitted.)	
	Division of the Blind:	
368	For general administration, furnishing information, industrial and educational aid, and for carrying out certain provisions of the laws establishing said division, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00

Item

374	For aiding the adult blind, subject to the conditions provided by law, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	\$3,000 00
	Teachers' Retirement Board:	
378	For payment of pensions to retired teachers, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00
	For the maintenance of and for certain improvements at the state teachers' colleges, and the boarding halls attached thereto, with the approval of the commissioner of education, as follows:	
389	State teachers' college at Framingham, boarding hall, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
390	State teachers' college at Hyannis, a sum not exceeding twenty-four hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose; provided, that said appropriation shall not be deemed legislative approval for the inauguration of any new policy on the part of the department of education	2,450 00
391	State teachers' college at Hyannis, boarding hall, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
391b	For sanitary improvements at the beach property of the state teachers' college at Hyannis, a sum not exceeding thirty-five hundred dollars	3,500 00
393	State teachers' college at North Adams, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	600 00
395	State teachers' college at Salem, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	800 00
398	State teachers' college at Worcester, a sum not exceeding two hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	260 00
	Textile School:	
401	For the maintenance of the Lowell textile institute, with the approval of the commissioner of education and the trustees, a sum not exceeding sixteen hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,640 00
	Massachusetts State College:	
403	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,000 00
403a	For maintenance and operation of the boarding hall, a sum not exceeding twenty-seven thousand five hundred dollars	27,500 00

Item		
406a	For painting buildings, a sum not exceeding three thousand dollars	\$3,000 00
410a	For repairing and painting French Hall greenhouses, a sum not exceeding two thousand dollars	2,000 00
410b	For oiling certain roads and drives on the campus, a sum not exceeding fifteen hundred dollars	1,500 00
	Total	\$81,020 00

Service of the Department of Civil Service and Registration.

Division of Civil Service:

414	For other personal services of the division, a sum not exceeding ten thousand five hundred and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$10,570 00
415	For other services and for printing the annual report, and for office supplies and equipment necessary for the administration of the civil service law, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,500 00

Division of Registration:

417	For clerical and certain other personal services of the division, a sum not exceeding two thousand and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,050 00
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Board of Registration in Embalming and Funeral Directing:

430	For traveling expenses, a sum not exceeding thirteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,300 00
447	(This item omitted.)	
	Total	\$16,420 00

Service of the Department of Labor and Industries.

456	For personal services for the inspectional service and for traveling expenses of the commissioner, assistant commissioner, associate commissioners and inspectors of labor, and for services other than personal, printing the annual report, rent of district offices, and office supplies and equipment for the inspectional service, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$800 00
456a	For expenses of the temporary commission on apprentice training, as authorized by chapter four hundred and forty-eight of the acts of the present year, a sum not exceeding one thousand dollars	1,000 00
464	For personal services of investigators, clerks and stenographers for the minimum wage service, a sum not exceeding thirteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,300 00
466	For services other than personal, printing, traveling expenses and office supplies and equipment for minimum wage service, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00

Item

467	For personal services for the division of standards, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$100 00
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Labor Relations Commission:

471	For personal services of the commissioners and employees, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,500 00
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Total	\$6,200 00
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Service of the Department of Mental Diseases.

476	For personal services of officers and employees, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
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478 (This item omitted.)

479	For other services, including printing the annual report, traveling expenses, office supplies and equipment, and rent, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00
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Division of Mental Hygiene:

480	For the expenses of investigating the nature, causes and results of mental diseases and defects and the publication of the results thereof; and of what further preventive or other measures might be taken and what further expenditures for investigation might be made which would give promise of decreasing the number of persons afflicted with mental diseases or defects, a sum not exceeding thirty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	30 00
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For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Diseases:

482a	For purchase and installation of tubs for the hydrotherapy suite at the Boston psychopathic hospital, a sum not exceeding four hundred and forty-nine dollars	449 00
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483a	For the contribution on the part of the state for a certain Works Progress Administration project to complete certain roads at the Boston state hospital, a sum not exceeding fifteen thousand dollars, the same to be in addition to any appropriation heretofore made for the purpose and to any other funds made available for the purpose	15,000 00
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483b	For renewing and renovating certain plumbing and sanitary arrangements at the Boston state hospital, a sum not exceeding fifteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose	15,000 00
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484a	For the purchase and installation of continuous bath tubs at the Danvers state hospital, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	300 00
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Item		
484b	For completion of the renovation and improvement of a certain cottage at the Danvers state hospital, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose .	\$1,500 00
488	Foxborough state hospital, a sum not exceeding sixty-two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	6,200 00
492a	For expenses of improving sewage disposal at Hersey Farm at the Foxborough state hospital, a sum not exceeding fourteen thousand dollars, the same to be in addition to any other funds made available for the purpose .	14,000 00
492b	For the renovation of steam and hot water lines at the Foxborough state hospital, a sum not exceeding ninety-five hundred dollars, the same to be in addition to any other funds made available for the purpose .	9,500 00
493	Gardner state hospital, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	2,000 00
495	Grafton state hospital, a sum not exceeding forty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	4,750 00
495a	For the purchase and installation of equipment for continuous baths at the Grafton state hospital, a sum not exceeding seven thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose .	7,000 00
495b	For the construction of an addition to the root cellar at the Grafton state hospital, a sum not exceeding five thousand dollars, the same to be in addition to any other funds made available for the purpose .	5,000 00
497	Medfield state hospital, a sum not exceeding thirty-one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	3,100 00
501a	For an investigation and study relative to the quality of the water supplied at the Medfield state hospital, a sum not exceeding seven hundred and fifty dollars .	750 00
501b	For the renovation of toilets and baths at the Medfield state hospital, a sum not exceeding twenty-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose .	25,000 00
502	Metropolitan state hospital, a sum not exceeding eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	8,000 00
503a	For the construction of an extension to the garage at the Metropolitan state hospital, a sum not exceeding fifty-five hundred dollars, the same to be in addition to any other funds made available for the purpose .	5,500 00
503b	For the contribution on the part of the state for continuing Works Progress Administration painting projects at the Metropolitan state hospital, a sum not exceeding two thousand dollars, the same to be in addition to any other funds made available for the purpose	2,000 00

Item		
504	Northampton state hospital, a sum not exceeding sixty-three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$6,300 00
504a	For certain fire protection in the North Infirmary at the Northampton state hospital, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
506a	For reimbursement to the city of Northampton for materials used to construct a certain storm sewer, the sum of nine hundred and seventy-six dollars	976 00
508a	For the contribution on the part of the state for a certain Works Progress Administration project for the completion of roads and sidewalks at the Taunton state hospital, a sum not exceeding fifteen thousand dollars, the same to be in addition to any other appropriation heretofore made for the purpose and to any other funds made available for the purpose	15,000 00
508b	For the construction of a new piggery at the Taunton state hospital, a sum not exceeding fifteen thousand dollars, the same to be in addition to any other funds made available for the purpose	15,000 00
509a	For renovation of toilets and baths at the Taunton state hospital, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose	10,000 00
510a	For the renovation of Richmond Sanatorium at the Westborough state hospital, a sum not exceeding fifty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose	5,500 00
511a	For the resurfacing and improvement of sewer beds at the Westborough state hospital, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose	5,000 00
517a	For the renovation of certain plumbing at the Worcester state hospital, a sum not exceeding six thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose	6,000 00
517b	For renovation of plumbing in employees' building at the Worcester state hospital, a sum not exceeding ten thousand five hundred dollars, the same to be in addition to any other funds made available for the purpose	10,500 00
522a	For the construction of a certain steam line at the Monson state hospital, a sum not exceeding sixty-five hundred dollars, the same to be in addition to any other funds made available for the purpose	6,500 00
522b	For the completion of a certain garage at the Monson state hospital, a sum not exceeding thirty-five hundred dollars, the same to be in addition to any other funds made available for the purpose	3,500 00
523	Belchertown state school, a sum not exceeding twenty-four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,400 00

Item

525a	For remodeling and improving a certain dairy barn at the Belchertown state school, a sum not exceeding thirty-four hundred dollars, the same to be in addition to any other funds made available for the purpose	\$3,400 00
527a	For improvements in the water supply at the Templeton Colony of the Walter E. Fernald state school, a sum not exceeding fifty thousand dollars, the same to be in addition to any other funds made available for the purpose	50,000 00
528a	For the construction of an addition to the cow barn at the Wrentham state school, a sum not exceeding twelve thousand dollars, the same to be in addition to any other funds made available for the purpose	12,000 00
Total		\$284,155 00

Service of the Department of Correction.

531	For services other than personal, including printing the annual report, necessary office supplies and equipment, a sum not exceeding fourteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,400 00
533	For the removal of prisoners, to and from state institutions, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
534	For assistance to discharged prisoners, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	400 00

For the maintenance of the following institutions under the control of the Department of Correction, to be in addition to any amounts heretofore appropriated for the purpose:

537	State farm, a sum not exceeding eleven thousand dollars	11,000 00
542	State prison, a sum not exceeding two thousand and sixty dollars	2,060 00
543	Massachusetts reformatory, a sum not exceeding twenty-five thousand five hundred and sixty dollars	25,560 00
544	Reformatory for women, a sum not exceeding fifty-two hundred dollars	5,200 00
547	State prison colony, a sum not exceeding eleven thousand five hundred dollars	11,500 00
Total		\$58,120 00

Service of the Department of Public Welfare.

Administration:

551	For personal services of officers and employees, a sum not exceeding seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$750 00
552	For services other than personal, printing the annual report, traveling expenses, including expenses of auxiliary visitors, office supplies and expenses, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00

Item		
	State Board of Housing:	
553	For personal services, a sum not exceeding thirty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,750 00
554	For expenses, as authorized by section eighteen of chapter eighteen of the General Laws, inserted by section one of chapter three hundred and sixty-four of the acts of nineteen hundred and thirty-three, as amended, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	1,500 00
	Division of Aid and Relief:	
555	For personal services of officers and employees, a sum not exceeding eleven thousand one hundred and forty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	11,145 00
	Old Age Assistance, reimbursement to cities and towns for present and previous years:	
561a	For old age assistance, a sum not exceeding three hundred thirty-six thousand dollars, the same to be in addition to other state revenue specified by law for said purpose	336,000 00
	Boys' Parole:	
571	For services other than personal, including traveling expenses of the agents and boys, and necessary office supplies and equipment, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
572	For board, clothing, medical and other expenses incidental to the care of boys, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	For the maintenance of institutions under the control of the trustees of the Massachusetts training schools, with the approval of said trustees, as follows:	
576	Industrial school for boys, a sum not exceeding ten thousand three hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	10,350 00
577	Industrial school for girls, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	Massachusetts Hospital School:	
580	For the maintenance of the Massachusetts hospital school, to be expended with the approval of the trustees thereof, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	5,000 00
	State Infirmary:	
581	For the maintenance of the state infirmary, to be expended with the approval of the trustees thereof, a sum not exceeding twenty-eight thousand five	

Item	hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$28,500 00
	Total	\$399,995 00

Service of the Department of Public Health.

Administration:

586	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
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Division of Communicable Diseases:

591	For personal services of the director, district health officers and their assistants, epidemiologists, bacteriologist and assistants in the diagnostic laboratory, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	700 00
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Venereal Diseases:

594	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding thirty-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	35,000 00
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Inspection of Food and Drugs:

599	For personal services of the director, analysts, inspectors and other assistants, a sum not exceeding six hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	650 00
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For the maintenance of and for certain improvements at the sanatoria, as follows:

614	North Reading state sanatorium, a sum not exceeding seventeen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,700 00
616	Rutland state sanatorium, a sum not exceeding forty-six hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,650 00
617	Westfield state sanatorium, including a division for the care and treatment of persons suffering from cancer, a sum not exceeding nineteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	19,000 00
617a	For the expense of providing certain space for nurses' dining room at the Westfield state sanatorium, a sum not exceeding eleven hundred dollars	1,100 00

Pondville Hospital:

620	For maintenance of the Pondville hospital, including care of radium, a sum not exceeding fifty-seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,700 00
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Item		
622a	For the expenses of providing certain surface drainage, a sum not exceeding twenty-five hundred dollars	\$2,500 00
	Total	<hr/> \$74,000 00

Service of the Department of Public Safety.

Administration:

624	(This item omitted.)	
625	For contingent expenses, including printing the annual report, rent of district offices, supplies and equipment, and all other things necessary for the investigation of fires and motion picture licenses, as required by law, and for expenses of administering the law regulating the sale and resale of tickets to theatres and other places of public amusement by the department of public safety, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$2,000 00

Division of State Police:

627	For personal services of civilian employees, a sum not exceeding eleven hundred and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,170 00
629	For personal services, rent, supplies and equipment necessary in the enforcement of provisions of law relative to explosives and inflammable fluids and compounds, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	700 00
	Total	<hr/> \$3,870 00

Service of the Department of Public Works.

Functions of the department relating to highways (the following appropriations, except as otherwise provided, are made from the Highway Fund):

648a	For personal services for the maintenance and operation of the public works building, a sum not exceeding eighteen hundred and seventy-six dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,876 00
648b	For other expenses for the maintenance and operation of the public works building, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	800 00
649	For the salaries of guards for the public works building, including expense of uniforms, a sum not exceeding seven hundred and thirty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	730 00
650	For personal services of the chief engineer, engineers and office assistants, including certain clerks and stenographers, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	700 00
655	For the maintenance and repair of state highways, including care of snow on highways and expenses of traffic signs and lights, for payment of damages caused by defects in state highways with the ap-	

Item		
	proval of the attorney general, for care and repair of road-building machinery, and for the maintenance of a nursery for roadside planting, a sum not exceeding fifty-eight hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$5,875 00
656a	(Report on this item made in separate bill.)	
656b	For land damages and other expenses in connection with the laying out and construction of a section of highway in Boston and Brookline under the provisions of chapter four hundred and twenty of the acts of nineteen hundred and thirty, as amended, a sum not exceeding twenty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	20,000 00
657	For administering the law relative to advertising signs near highways, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and to be paid from the general fund . . .	3,000 00
658	For expenses of a topographical survey and map of the commonwealth, in addition to funds received from federal appropriations or private subscriptions, a sum not exceeding ten thousand dollars, and all money appropriated under this item for the present year is to be in addition to any amount heretofore appropriated for the purpose . . .	10,000 00
	Registration of Motor Vehicles:	
659	For personal services, a sum not exceeding five thousand dollars, the same to be paid from the Highway Fund and to be in addition to any amount heretofore appropriated for the purpose . . .	5,000 00
660	For services other than personal, including traveling expenses, purchase of necessary supplies and materials, including cartage and storage of the same, and for work incidental to the registration and licensing of owners and operators of motor vehicles, a sum not exceeding fifteen hundred dollars, the same to be paid from the Highway Fund and to be in addition to any amount heretofore appropriated for the purpose . . .	1,500 00
	Functions of the department relating to waterways and public lands:	
662	For personal services of the director, chief engineer and assistants, a sum not exceeding fifteen hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	1,560 00
668	For expenses of surveying certain town boundaries, by the department of public works, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	500 00
674b	For certain dredging in Scituate Harbor, subject to the conditions imposed by chapter four hundred and six of the acts of the present year, a sum not exceeding seventy-two thousand six hundred dollars, the same to be in addition to any other funds made available for the purpose . . .	72,600 00
674c	For the construction of a sea wall at Quincy, subject to the conditions imposed by chapter four hundred and nine of the acts of the present year, a sum not exceeding sixteen thousand dollars, the same to be in addition to any other funds made available for the purpose . . .	16,000 00

Item

674d	For certain dredging in Fairhaven Harbor, subject to the conditions imposed by chapter forty-two of the resolves of the present year, a sum not exceeding ten thousand two hundred dollars, the same to be in addition to any other funds made available for the purpose	\$10,200 00
674e	For the purchase of certain property adjacent to the New Bedford state pier, as authorized by chapter four hundred and twenty of the acts of the present year, a sum not exceeding fifty thousand dollars .	50,000 00
674f	For certain dredging of the Weir river in the town of Hull, subject to the conditions imposed by chapter four hundred and seventy-one of the acts of the present year, a sum not exceeding forty-six thousand nine hundred dollars, the same to be in addition to any other funds made available for the purpose	46,900 00
674g	For the dredging of an anchorage basin and the extension of a stone jetty in Witchmere harbor in the town of Harwich, a sum not exceeding sixty-seven thousand dollars, the same to be in addition to any funds made available for the purpose by the Federal government	67,000 00
674h	For dredging in Nantucket Harbor, a sum not exceeding five thousand dollars, which sum is hereby made available at such time as the town of Nantucket pays into the state treasury an equal sum of five thousand dollars	5,000 00

Functions of the department relating to Port of Boston (the following items are to be paid from the Port of Boston receipts):

676	For the supervision and operation of commonwealth pier five, including the salaries or other compensation of employees, and for the repair and replacement of equipment and other property, a sum not exceeding fifty-five hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	5,550 00
678	For the maintenance and improvement of commonwealth property under the control of the department in connection with its functions relating to waterways and public lands, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	10,000 00
Total		\$334,791 00

Service of the Department of Public Utilities.

682	For personal services of secretaries, employees of the accounting division, engineering division, and rate and tariff division, a sum not exceeding ten hundred and eighty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,080 00
683	For personal services of the inspection division, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
684	For personal services of clerks, messengers and office assistants, a sum not exceeding one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	150 00

Item

- 687 For other services, including printing the annual report and necessary office supplies and equipment, a sum not exceeding twenty-two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . . \$2,200 00

Commercial Motor Vehicle Division:

- 693a For salaries of certain commercial motor vehicle examiners whose suits are now pending in the supreme judicial court, to be expended only in case a judgment is rendered in their favor, a sum not exceeding thirty-five thousand one hundred sixty-two dollars and sixty-six cents . . . 35,162 66

Smoke Inspection Service:

- 695 For personal services, a sum not exceeding thirty dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . . 30 00

Total . . . \$39,122 66

Miscellaneous.

- 699 For the maintenance of Bunker Hill monument and the property adjacent, to be expended by the metropolitan district commission, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . . \$100 00

The following items are to be paid from the Highway Fund, with the approval of the metropolitan district commission:

- 700 For maintenance of boulevards and parkways including installation of traffic lights, a sum not exceeding four thousand and ninety-two dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . . 4,092 00

701b (Report on this item made in separate bill.)

- 704a For the construction of an underpass at Columbia Circle in the city of Boston, a sum not exceeding sixty-five thousand dollars . . . 65,000 00

- 704b For the construction of a traffic circle at West Roxbury Parkway and Center street, in the city of Boston, a sum not exceeding sixty thousand dollars . . . 60,000 00

- 704c For the reconstruction of a certain bridge in the city of Revere by the metropolitan district commission, as authorized by chapter four hundred and seventy-two of the acts of the present year, a sum not exceeding seventeen thousand four hundred dollars, the same to be paid from the Highway Fund and to be in addition to other funds made available by said chapter four hundred and seventy-two . . . 17,400 00

Total . . . \$146,592 00

Unclassified Accounts and Claims.

- 712 For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves, a sum not exceeding nine hundred fifty-one dollars and thirty-four cents . . . \$951 34

Item		
717	For the payment of claims authorized by certain resolves of the current year, a sum not exceeding forty-one thousand eleven dollars and eighty-six cents, of which amount thirty-seven hundred and sixty dollars shall be paid from the Highway Fund. Said payments shall be certified by the comptroller of the commonwealth only upon the filing of satisfactory releases or other evidence that the payments are accepted as full compensation on the part of the commonwealth in respect thereto	\$41,011 86
717a	For reimbursing the town of Colrain for expenditures on account of the reconstruction of a certain bridge, as authorized by chapter four hundred and seventy-four of the acts of the present year, the sum of ninety-five hundred fifty dollars and five cents, the same to be paid from the Highway Fund	9,550 05
	Total	\$51,513 25

Deficiencies.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Service of the Judicial Department.

Superior Court:

For traveling allowances and expenses, the sum of two hundred eighty-three dollars and eighty-three cents	\$283 83
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Service of the Commission on Administration and Finance.

For other expenses incidental to the duties of the commission, the sum of two hundred eighty-one dollars and twenty-five cents	281 25
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Special Commission on Celebration of Constitution of the United States.

For expenses of the special commission appointed to prepare plans and programs for the proper celebration of the one hundred and fiftieth anniversary of the formation of the Constitution of the United States, authorized by chapter seventy-three of the resolves of nineteen hundred and thirty-six, the sum of five hundred twenty-eight dollars and forty-eight cents	528 48
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Service of the Department of Corporations and Taxation.

Corporations and Tax Divisions:

For other services, necessary office supplies and equipment, travel, and for printing the annual report, other publications and valuation books, the sum of fourteen hundred fifty-four dollars and eight cents	1,454 08
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Service of the Department of Education.

For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law, the sum of fifty-seven hundred sixty-three dollars and forty-three cents	5,763 43
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Service of the Department of Public Works.

Item

For the suppression of gypsy and brown tail moths on state highways, the sum of one hundred thirty-three dollars and twenty cents, to be paid from the Highway Fund \$133 20

Registration of Motor Vehicles:

For services other than personal, including traveling expenses, purchase of necessary supplies and materials, including cartage and storage of the same, and for work incidental to the registration and licensing of owners and operators of motor vehicles, the sum of two hundred and forty dollars, to be paid from the Highway Fund 240 00

Total \$8,684 27

Other Appropriations.

33b For an investigation relative to the Communistic, Fascist, Nazi and other subversive organizations, as authorized by an order of the general court, a sum not exceeding five hundred and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$570 00

Metropolitan District Commission.

The following items are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction and with the approval of the metropolitan district commission:

718 For maintenance of the Charles River basin, including a certain claim, and including retirement of soldiers under the provisions of the General Laws, a sum not exceeding twenty-nine thousand seven hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$29,725 00

719 For maintenance of park reservations, including a certain claim, and including the purchase of land and the retirement of soldiers under the provisions of the General Laws, a sum not exceeding fourteen thousand and seventy-eight dollars, the same to be in addition to any amount heretofore appropriated for the purpose 14,078 00

721 For expense of supplies and services necessary for procuring Works Progress Administration funds, a sum not exceeding sixteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to any other funds made available for the purpose, and to be assessed as part of the cost of maintenance of parks reservations 16,000 00

727a For the cost of certain repairs for shore protection at Winthrop, a sum not exceeding three thousand dollars, to be assessed as part of the cost of maintenance of parks reservations 3,000 00

727b For certain improvements at the Magazine Beach bath house, a sum not exceeding three thousand seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose and to be assessed as part of the cost of maintenance of parks reservations 3,700 00

Item		
727c	For the construction of a public sanitary on the Winthrop Shore reservation, as authorized by chapter three hundred and ninety-three of the acts of the present year, a sum not exceeding twenty thousand dollars, to be assessed as part of the cost of maintenance of parks reservations	\$20,000 00
727d	For certain dredging in Upper Mystic lake, as authorized by chapter three hundred and eighty-nine of the acts of the present year, a sum not exceeding one hundred thousand dollars, to be assessed as part of the cost of maintenance of parks reservations	100,000 00
729	For maintenance of the Nantasket Beach reservation, a sum not exceeding thirteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,300 00
731	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, including retirement of soldiers under the provisions of the General Laws, a sum not exceeding fifteen hundred and seventy-eight dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,578 00
731a	(Report on this item made in separate bill.)	
733	For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, including retirement of soldiers under the provisions of the General Laws, a sum not exceeding fifteen hundred and forty-seven dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,547 00
734	For the maintenance and operation of the metropolitan water system, including retirement of soldiers under the provisions of the General Laws, a sum not exceeding thirty-six hundred and sixty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,665 00
734a	For the payment of certain deficiencies, the sum of seven hundred fourteen dollars and twenty-two cents, to be assessed as part of the cost of maintenance of metropolitan water system	714 22
Total		<hr/> \$195,307 22
General and Highway Funds		\$1,843,242 35
Metropolitan District Commission		222,807 22

SECTION 3. The following amendments and transfers are hereby authorized in appropriations previously made:

Armory Commissioners.

From the unexpended balance of the appropriation made by Item 156 of chapter four hundred and ninety-seven of the acts of nineteen hundred and thirty-five, for the purchase of land for a camp site, there is hereby reappropriated the sum of thirty-five hundred dollars to provide for the purchase of beach land for bathing facilities for members of the national guard.

Department of Conservation.

Item 298 of chapter three hundred and fifty-six of the acts of the present year is hereby amended by adding after the word "fish", in line three, the words " , including the purchase of land for propagation".

Department of Education.

The unexpended balance of the appropriation made by Item 374 of chapter three hundred and four of the acts of nineteen hundred and thirty-six is hereby reappropriated and made available in addition to the appropriation authorized by Item 387a of chapter three hundred and fifty-six of the acts of the present year, for renovation of electric wiring in certain buildings at the state teachers' college at Fitchburg.

Department of Mental Diseases.

Item 480 of chapter three hundred and fifty-six of the acts of the present year, for the division of mental hygiene, is hereby amended by adding at the end thereof the words “, the same to be in addition to any amount heretofore appropriated for the purpose”.

Item 494 of chapter three hundred and fifty-six of the acts of the present year, for the improvement of fire protection in certain cottages at the Gardner state hospital, is hereby amended by adding at the end thereof the words “, the same to be in addition to any amount heretofore appropriated for the purpose”.

The unexpended balance of the appropriation made by Item 493 of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven is hereby made available, in addition to the appropriation authorized by Item 498 of chapter three hundred and fifty-six of the acts of the present year, for the cost of making improvements to provide additional fire protection at the Medfield state hospital.

The unexpended balance of the appropriation made by Item 492 of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven is hereby made available, in addition to the appropriation authorized by Item 500 of chapter three hundred and fifty-six of the acts of the present year, for the renovation of toilets and baths at the Medfield state hospital.

The unexpended balance of the appropriation made by Item 515 of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven is hereby made available, in addition to the appropriation authorized by Item 517 of chapter three hundred and fifty-six of the acts of the present year, for the renovation of certain plumbing at the Worcester state hospital.

Department of Correction.

Item 541 of chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-seven is hereby amended by striking out the words “in the hospital”.

Department of Public Welfare.

The unexpended balance of the appropriation made by Item 563 of chapter three hundred and four of the acts of nineteen hundred and thirty-six, for the cost of improvements in the toilet sections at Stonecroft, is hereby reappropriated.

Department of Public Works.

Chapter four hundred and twenty-nine of the acts of nineteen hundred and thirty-six, providing for repair or reconstruction of certain bridges damaged by recent floods, is hereby amended by striking out section eight inserted by section three of chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:

Section 8. The comptroller is hereby authorized to certify for payment liabilities incurred by the department in anticipation of the receipts of the assessments to be made in nineteen hundred and thirty-nine on certain cities, towns and counties, as authorized by this act.

Said chapter four hundred and twenty-nine is further amended by striking out section four and inserting in place thereof the following:

Section 4. The amounts to be paid by cities and towns as aforesaid shall be assessed and collected by the state treasurer as a part of their state tax in the year nineteen hundred and thirty-nine.

SECTION 4. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

SECTION 5. This act shall take effect upon its passage.

Approved July 16, 1938.

Chap. 498 AN ACT PROVIDING FOR THE PAYMENT BY THE COMMONWEALTH TO ITS MUNICIPALITIES OF A PORTION OF THE HIGHWAY FUND TO ENABLE THEM TO CARRY OUT LOCAL HIGHWAY PROJECTS FOR THE PURPOSE OF ALLEVIATING EXISTING CONDITIONS RESULTING FROM UNEMPLOYMENT, AND PROVIDING FOR THE RECONSTRUCTION AND REPAIR OF CERTAIN HIGHWAYS AND BRIDGES DAMAGED BY THE RECENT STORM.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. (Disapproved by the governor by message to the house of representatives filed July 27, 1938. Objections of governor sustained by vote of the house of representatives July 27, 1938.)

SECTION 2. (Disapproved by the governor by message to the house of representatives filed July 27, 1938. Objections of governor sustained by vote of the house of representatives July 27, 1938.)

SECTION 3. For the purpose of repairing the damage to public ways in the commonwealth caused by the recent storm, there shall also be available for expenditure by the state department of public works and certain cities and towns, without further appropriation, from the Highway Fund, such amounts as shall be determined by said emergency finance board, as hereinafter provided, but not exceeding, in the aggregate, five hundred thousand dollars. Any sums made available for expenditure by the state department of public works under this section shall be expended by it, together with federal funds, if any, allocated to the commonwealth and available for such expenditure, for the purpose of repairing or reconstructing state highways, including surface drainage, sidewalks, curbs and bridges, so damaged; and any sum received by a city or town under

this section shall be placed in a separate fund and shall, under the direction of the local highway department, be expended, without appropriation, together with federal funds, if any, allocated to such city or town and available for such expenditure, for the purpose of repairing or reconstructing local highways, including surface drainage, sidewalks, curbs and bridges, so damaged.

SECTION 4. Projects to be entered into under authority of section three of this act shall be submitted to said emergency finance board, in the case of state highways by the commissioner of public works and in case of local highways by the mayor and city council in the case of cities or by the selectmen in the case of towns, and no project shall be entered into under said section three unless it is approved, with respect to the necessity and location thereof, by said board. The decision of said board shall be final.

SECTION 5. Persons employed for work on any project entered into under authority of this act shall not be subject to the civil service laws or the rules and regulations made thereunder.

Approved July 27, 1938.

AN ACT PROVIDING FOR THE FUNDING OF OVERLAY DEFICITS AND OTHER ITEMS BY THE CITY OF LOWELL, AND RELATIVE TO BORROWINGS BY SAID CITY ON ACCOUNT OF PUBLIC WELFARE, SOLDIERS' BENEFITS AND FEDERAL EMERGENCY UNEMPLOYMENT RELIEF PROJECTS. Chap. 499

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell, for the purposes specified in section two of this act, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, four hundred thousand dollars; provided, that no bonds or notes authorized by this section shall be issued later than the thirty-first day of December, nineteen hundred and forty. Such bonds or notes shall bear on their face the words, City of Lowell Funding Loan, Acts of 1938. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this section shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof. The said city may issue temporary notes of the city, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes authorized by this section, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this section. All notes issued in anticipation of the issue of said serial bonds or notes shall be paid from the proceeds thereof.

SECTION 2. The amounts borrowed under authority of section one shall be used for meeting so much of the deficits

resulting from the satisfaction of abatements on account of tax assessments in each of the years nineteen hundred and thirty to nineteen hundred and thirty-seven, inclusive, heretofore granted, and for the satisfaction of abatements on account of tax assessments in each of such years hereafter granted, in excess of the overlay or overlays of such years, and for meeting such other deficits existing as of December thirty-first, nineteen hundred and thirty-seven, as by law are not required to be included in the amounts to be assessed in the year nineteen hundred and thirty-eight.

SECTION 3. The auditor of the said city shall set up a separate account of the proceeds of all loans issued under authority of section one. Charges shall be made against such account only for the purposes authorized in section two, and then only with the approval of the mayor.

SECTION 4. Said city, in borrowing under the provisions of chapter fifty-eight of the acts of nineteen hundred and thirty-eight, may borrow sums, not exceeding, in the aggregate, one hundred thousand dollars, in addition to the sums said city is authorized to borrow under said chapter fifty-eight.

SECTION 5. Loan orders passed under authority of this act shall be deemed to be emergency orders and as such may be passed in such manner as is provided for emergency orders in the charter of said city.

SECTION 6. This act shall take effect upon its passage.

Approved July 27, 1938.

Chap. 500 AN ACT PROVIDING FOR THE PAYMENT BY THE COMMONWEALTH TO ITS MUNICIPALITIES OF A PORTION OF THE HIGHWAY FUND TO ENABLE THEM TO CARRY OUT LOCAL HIGHWAY PROJECTS FOR THE PURPOSE OF ALLEVIATING EXISTING CONDITIONS RESULTING FROM UNEMPLOYMENT.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. There shall be paid, without further appropriation, from the Highway Fund, as soon as may be to the several cities and towns, the sum of five million dollars, in proportion to the amounts for which they shall have been respectively assessed for the state tax of the current year. The sum received by each city and town under this section shall be placed in a separate fund and shall, under the direction of the local highway department, be expended, without appropriation, together with federal funds, if any, allocated to such city or town and available for such expenditure, in the current year or thereafter as hereinafter provided for local highway projects including construction,

maintenance and repair of local roads, streets and highways other than state highways, surface drainage, sidewalks, curbings and bridges.

SECTION 2. Projects to be entered into under authority of this act shall be submitted to the state department of public works by the mayor and city council in the case of cities and by the selectmen in the case of towns, and no project shall be entered into hereunder unless it is approved, with respect to the necessity and location thereof, by said department of public works. A city or town aggrieved by the action of said department of public works in refusing to approve a project submitted to it as aforesaid or by the failure of said department to act in the matter of the approval of the project within a period of thirty days after it has been submitted to it, may appeal therefrom to the emergency finance board, established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and the decision of said emergency finance board shall be final. Upon written request of the mayor and city council of a city or the selectmen of a town said department of public works shall furnish engineering services with respect to any project or projects to be entered into by such city or town hereunder; provided, that the cost of such engineering services, with respect to any such project, shall not exceed ten per cent of so much of the total cost thereof as is to be met from the sum paid to such city or town under section one.

The amount of the expense of such engineering services shall be paid to the state treasurer by the city or town to which such services shall have been furnished from the sum paid to such city or town under said section one, and shall be available, without appropriation, for the payment of the expense incurred by said department of public works for said services, subject otherwise to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 3. Persons employed for work on any project entered into under authority of this act shall not be subject to the civil service laws or the rules and regulations made thereunder.

Approved August 22, 1938.

AN ACT RELATIVE TO THE PURCHASE OF LANDS AND THE CONSTRUCTION OF WORKS FOR IMPROVING THE DISTRIBUTION OF WATER FROM THE SOURCES OF SUPPLY TO THE METROPOLITAN WATER DISTRICT AND MORE ADEQUATELY PREVENTING POLLUTION OF THE SOURCES OF WATER SUPPLY OF SAID DISTRICT, AND RELATIVE TO THE EMERGENCY PUBLIC WORKS COMMISSION. Chap.501

Whereas, The deferred operation of this act would, in part, defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and sixty of the acts of nineteen hundred and thirty-eight is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* The metropolitan district water supply commission, established under chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, hereinafter called the commission, is hereby authorized, for the purpose of improving the distribution of water from the sources of supply to the metropolitan water district and more adequately preventing pollution of the sources of water supply of said district, to construct forthwith: (1) a pressure aqueduct from a point on the Wachusett aqueduct of said district at or near the terminal chamber, so-called, in the city of Marlborough, to a point on the Weston aqueduct of said district near its Sudbury dam in the town of Southborough; (2) additional pipe lines to supplement existing lines in the two Weston aqueduct siphons, so-called, in the towns of Framingham and Wayland; (3) a pressure aqueduct from a point on said Weston aqueduct at or near the terminal chamber, so-called, in the town of Weston, to a point near the Chestnut Hill pumping station in the city of Boston; (4) a pipe line from the Spot Pond south gatehouse, so-called, in the city of Medford, to the Spot Pond pumping station in the town of Stoneham; (5) such other works as may be necessary or desirable to deliver the entire regular supply of the district from its Wachusett reservoir directly to the district, to eliminate from the watersheds of the district all sources of pollution, and to eliminate from regular use its Sudbury water supply system and its Chestnut Hill and Spot Pond distributing reservoirs; (6) an additional pressure aqueduct between the two aforesaid pressure aqueducts, which three pressure aqueducts will constitute a single continuous pressure aqueduct from said point on the Wachusett aqueduct at or near the terminal chamber to said point near the Chestnut Hill pumping station; (7) a high level distributing reservoir with connections to said continuous pressure aqueduct; (8) an enlargement of the Middlesex Fells distributing reservoir of the district; (9) an enlargement of the Waban Hill distributing reservoir of the district; and (10) such other works as may be necessary or desirable to deliver the entire regular supply of the district under increased pressure.

So much of said continuous pressure aqueduct as crosses the Sudbury reservoir and so much thereof as lies east of a point near the terminal chamber, so-called, of the Weston aqueduct shall be constructed as pressure tunnels; and the entire works herein authorized shall so far as practicable be designed and constructed at such grade and of such capacity and otherwise that they can be used as a part of a future system of distribution by pressure conduits and tunnels for the entire distance between the terminal chamber, so-called,

of the Wachusett aqueduct and various points of delivery which may later be constructed in substantial accordance with plans and recommendations of the joint board consisting of the metropolitan district water supply commission and the department of public health as contained in its report to the general court in the year nineteen hundred and thirty-seven, printed as house document number two hundred and sixty-two of the current year. The commission may for the purposes aforesaid acquire, install and operate such machinery, pumps and other appurtenances of any kind which may from time to time be found necessary or desirable for carrying out the purposes of this act.

For the purpose of providing for the future extension and improvement of the distribution system, the commission, on behalf of the commonwealth, may take by purchase or otherwise such lands and other property along or near the line of the proposed pressure conduits and tunnels as it may deem necessary or desirable in preparation for the future use of the same as a part of the water supply system.

The proposed works and appurtenances and property incidental thereto, when completed, shall be turned over to the metropolitan district commission, and shall be thereafter maintained by it as a part of the metropolitan water system under chapter ninety-two of the General Laws, with all the powers and duties conferred and imposed upon it by said chapter and conferred and imposed upon the metropolitan district water supply commission by this act.

In constructing the works authorized by this act and carrying out the provisions thereof, the commission shall proceed with the organization and in the manner provided by said chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six and by chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven, with all the powers and duties conferred and imposed thereby; and the funds provided for metropolitan water supply purposes by said chapter three hundred and seventy-five and said chapter three hundred and twenty-one are hereby made available for carrying out the purposes of this act; provided, that, except as hereinafter provided, of the total amount authorized to be expended under said chapters the commission shall not, during the period beginning December first, nineteen hundred and thirty-seven, and ending November thirtieth, nineteen hundred and forty-one, make any expenditures for any purpose whatsoever under said chapters and this act, or any of them, or enter into any contracts or incur any other liabilities for services to be performed or for materials to be furnished during said period under said chapters and this act, or any of them, which, together with any liabilities theretofore incurred by the commission thereunder and remaining unpaid or unsatisfied as of said December first, will be in excess of the sum of fourteen million five hundred thousand dollars; and provided, further, that, notwithstanding the foregoing

provisions, the commission may make such additional expenditures as will not exceed the amount of the proceeds of bonds issued prior to November thirtieth, nineteen hundred and thirty-seven, and remaining unexpended as of that date, and, subject to the conditions hereinafter imposed, may also expend federal funds granted for the works authorized by said chapters and this act, or any of them.

SECTION 1A. Bonds of the commonwealth authorized by chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven and issued after the effective date of this act and prior to November thirtieth, nineteen hundred and forty-one, shall be issued upon the serial payment plan in such amounts and at such times as the state treasurer shall determine, with the approval of the governor and council, to be for the best interests of the commonwealth; provided, that no portion of the principal of any such bonds so issued shall be payable earlier than five years from the date of issue thereof, any provision of law to the contrary notwithstanding.

SECTION 2. Section five of said chapter four hundred and sixty is hereby amended by inserting after the word "Northborough" in the seventh line the word: — , Natick, — so as to read as follows: — *Section 5.* Whenever the commission shall dig up any street or highway as aforesaid it shall restore the same to as good order and condition as the same was in when such digging commenced, and the commonwealth shall at all times indemnify and save harmless the cities of Boston, Marlborough, Medford and Newton and the towns of Framingham, Northborough, Natick, Southborough, Stoneham, Wayland and Weston against all damages which may be recovered against them, respectively, and shall reimburse to them respectively all expenses which they shall incur, by reason of any defect or want of repair in any street or highway caused by the construction of works under this act or by the maintaining or repairing of the same; provided, that the commonwealth shall have due and reasonable notice of all claims for such damages or injury and an opportunity to make a legal defence thereto.

SECTION 3. Said chapter four hundred and sixty is hereby further amended by adding at the end the four following new sections: — *Section 8.* The commonwealth may, for the purpose of carrying out as a federal project the works or any part thereof authorized by said chapters three hundred and seventy-five and three hundred and twenty-one and this act, or any of them, accept and use any grant of federal funds under any federal law, authority to make application therefor being hereby granted to the emergency public works commission, established under section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three. No such project shall be undertaken unless it is approved, as hereinafter provided, by the said emergency public works commission

and by the governor. No payment shall be made or obligation incurred for the carrying out of any such project upon its approval by said emergency public works commission and the governor and its approval for federal aid by the proper federal authorities, until plans, specifications and contracts therefor, and alterations thereto subsequently proposed, have been approved by said emergency public works commission, unless otherwise provided by such rules or regulations as said commission may make. Said emergency public works commission shall, in addition to the powers and duties heretofore conferred and imposed upon it, exercise and perform the powers and duties hereinafter conferred or imposed upon it, and the provisions of said section which relate to action by said commission shall apply in the case of action by it under this act. Any such project, when so approved, shall be carried out in all respects subject to the provisions of the appropriate federal law providing for construction of projects of that class, and the rules and regulations made pursuant thereto, and to such terms, conditions, rules and regulations, not inconsistent with such federal laws and rules and regulations, as said commission may establish, with the approval of the governor, to ensure the proper execution of such project.

Section 9. The metropolitan district water supply commission, in addition to any powers expressly given by statute, shall have such powers as may be determined and certified by the emergency public works commission to be proper and reasonably necessary to carry out any such project. Said emergency public works commission is hereby authorized to make any necessary orders, rules and regulations, and perform all necessary actions under this act; and none of such orders, rules, regulations and actions shall be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

Section 10. In order to provide funds to carry out any such project, in anticipation of the receipt by the commonwealth of contributions therefor due from the federal government under agreements for grants, the state treasurer, with the approval of the governor, may borrow from time to time, on the credit of the commonwealth, such amounts as may be certified by the emergency public works commission to be necessary to provide such temporary funds, but not exceeding at the time of any such certification the balance of such federal grants then remaining unpaid, and the state treasurer may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him, with the approval of the governor. The term of such notes shall not exceed one year, as recommended by the governor to the general court in accordance with section 3 of Article LXII of the amendments to the constitution of the commonwealth. All notes issued hereunder shall be signed by the state treasurer,

approved by the governor and countersigned by the comptroller.

Section 11. The existence of the emergency public works commission, established by chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as extended by chapter three hundred and eighty of the acts of nineteen hundred and thirty-five, by chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-seven and by section one of chapter twenty of the acts of the current year, is hereby further extended to November thirtieth, nineteen hundred and forty-one. Said commission shall have the same rights, powers, duties and obligations with respect to the subject matter of the foregoing provisions of this act as is provided in section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as amended, relative to the subject matter of said chapter three hundred and sixty-five, and, except as hereinafter provided, the provisions of said section shall continue to apply. Each appointive member of the commission shall receive from the commonwealth as compensation for each day's attendance at meetings of the commission, the sum of thirty dollars; provided, that the total amount paid under said section one, as amended, and under the foregoing provisions of this act to any such member shall not exceed three thousand dollars in any period of twelve months.

Approved August 24, 1938.

Chap. 502 AN ACT FURTHER PROVIDING FOR A TEMPORARY ADDITIONAL TAX UPON PERSONAL INCOMES, CORPORATIONS, SUCCESSIONS AND LEGACIES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. There is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, taxes levied under the provisions of section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three, as amended, and taxes levied under the provisions of sections thirty to sixty, inclusive, of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, an additional tax equal to ten per cent of the taxes imposed under the provisions of said sections, acts and chapters, and all provisions of law relative to the assessment, payment, collection and abatement of the said taxes shall apply to the taxes imposed by this section; provided, that no tax assessed under this section in or on ac-

count of the calendar year nineteen hundred and thirty-eight shall bear interest prior to October first of said year.

SECTION 2. All property subject to a legacy and succession tax under the provisions of chapter sixty-five of the General Laws, as appearing in the Tercentenary Edition, and of any further amendments thereof or additions thereto, shall be subject to an additional tax of ten per cent of all taxes imposed by said provisions. All provisions of law relative to the determination, certification, payment, collection and abatement of such legacy and succession taxes shall apply to the additional tax imposed by this section.

SECTION 3. All the taxes provided by sections one and two shall be retained by the commonwealth.

SECTION 4. A fiduciary shall be liable to pay a tax under this act upon income received and distributed by him prior to the effective date thereof only to the extent that such fiduciary shall, after said effective date, hold as such fiduciary funds of an estate or trust due to the beneficiary to whom said income was distributed.

SECTION 5. Section one shall apply only to the assessment of taxes in or on account of the calendar year nineteen hundred and thirty-eight. Section two shall apply only to property or interests therein passing or accruing upon the death of persons who die in the calendar year nineteen hundred and thirty-eight.

Approved August 24, 1938.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF SEVENTEEN MILLION DOLLARS. Chap. 503

Whereas, A delay in the taking effect of this act would cause great inconvenience in the collection of the state tax, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. There shall be a state tax for the current year amounting in the aggregate to seventeen million dollars. The cities and towns in the commonwealth shall be assessed and charged with, and shall pay, said tax in the proportions established for them, respectively, by chapter one hundred and fourteen of the acts of the current year. The comptroller shall, as soon as may be, prepare a schedule showing the sum with which each city and town is charged in accordance herewith and transmit the same to the commissioner of corporations and taxation, who shall verify the sums appearing in such schedule and as soon as may be thereafter shall certify it as so verified to the state treasurer. A copy of the schedule as so verified shall be kept in the office of said commissioner and shall be open to public inspection.

SECTION 2. Upon receipt by the state treasurer from said commissioner of said schedule as verified and certified by him,

said treasurer shall forthwith send his warrants to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to assess in the manner provided in section twenty-one of chapter fifty-nine of the General Laws, as most recently amended by section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-six, the sum so charged, and any other taxes or charges which may be due and payable to the commonwealth as specifically provided by law or as certified to him by the proper state board, department or commission, and to add the amount of such taxes and charges to the amount of city, town and county taxes to be assessed by them respectively on each city and town.

SECTION 3. The state treasurer in his warrant shall require the selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities and towns to pay, to the state treasurer, on or before November twentieth in the current year, the sums with which their respective cities and towns are charged as provided in section one; and the selectmen or assessors, respectively, shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the state treasurer at some time before September first in the current year.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the state treasurer within the time specified, the state treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during the delinquency from and after November twentieth of the current year; and if the same remains unpaid after December first of the current year, an information may be filed by the state treasurer in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as the court, or the justice thereof before whom the hearing is had, shall order. The state treasurer may deduct at any time from any moneys which may be due from the commonwealth to any city or town the whole or any part of the tax herein apportioned or any other tax or charge which may be due to the commonwealth from such city or town, with the interest accrued thereon.

Approved August 24, 1938.

AN ACT FURTHER IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES. Chap. 504

Be it enacted, etc., as follows:

SECTION 1. To provide further for supplementing certain items in the general appropriation act, and for certain new activities, the sums set forth in section two, for the particular purposes and subject to the conditions stated therein, are hereby appropriated from the general fund or ordinary revenue of the commonwealth, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Service of the Legislative Department.

Item		
2a	For additional travel allowance for members and certain officers and employees of the general court and additional compensation for certain employees of the general court, in consideration of the extraordinary duration of the current session of the general court, in accordance with the terms of a joint order of the general court, adopted August twenty-third in the current year, a sum not exceeding twenty-five thousand two hundred and fifty-eight dollars . . .	\$25,258 00
29	For office and other expenses of the committee on rules on the part of the house, a sum not exceeding two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	250 00
32	For telephone service, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	2,000 00
33aa	For certain expenses of the special commission appointed to investigate relative to providing additional accommodations and equipment at the Soldiers' Home in Massachusetts and certain related matters, as authorized by chapter ninety-one of the resolves of the current year, a sum not exceeding forty-five hundred dollars . . .	4,500 00

Service of the State Emergency Public Works Commission.

225	For expenses of the board appointed to formulate projects or perform any act necessary to enable the commonwealth to receive certain benefits provided by the National Industrial Recovery Act, a sum not exceeding thirty-nine hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	3,900 00
Total		\$35,908 00

SECTION 3. This act shall take effect upon its passage.

Approved August 24, 1938.

RESOLVES.

RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION APPOINTED TO INVESTIGATE AND STUDY THE WHOLE MATTER OF THE MENTALLY DISEASED IN THEIR RELATION TO THE COMMONWEALTH, INCLUDING ALL PHASES OF THE WORK OF THE DEPARTMENT OF MENTAL DISEASES. *Chap.* 1

Resolved, That the unpaid special commission, established by chapter seven of the resolves of nineteen hundred and thirty-seven, is hereby revived and continued for the purpose of continuing its investigation and study of the whole matter of the mentally diseased in their relation to the commonwealth, including all phases of the work of the department of mental diseases. Said commission shall hold hearings, may require of the department of mental diseases and such other departments and such commissions or officers of the commonwealth as have or can obtain information in relation to the subject matter of this resolve such assistance as may be helpful in the course of its investigation and study, and may require by summons the attendance and testimony of witnesses and the production of such books and papers as relate to the matter under investigation. Said commission may travel within and outside the commonwealth, and it shall make a supplementary report to the general court of the results of its investigation and study hereunder and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year. For the purposes of this resolve, said commission may expend such sums as may hereafter be appropriated therefor, in addition to the unexpended balance of the amount appropriated by item thirty-six b of chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-seven, and said balance is hereby made available for payment of expenses incurred by said commission. *Approved January 31, 1938.*

RESOLVE IN AID OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF MASSACHUSETTS. *Chap.* 2

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth a sum not exceeding one thousand dollars, in addition to any unexpended balance remaining from any amount heretofore appropriated for the same purpose, to aid in defraying the

expenses of the Grand Army of the Republic, Department of Massachusetts. Payments for such aid shall be made upon the presentation to the comptroller of vouchers therefor, approved by the assistant adjutant general and the commander of said department.

Approved February 10, 1938.

- Chap.* 3 RESOLVE VALIDATING THE ACTS OF NELLIE K. LAVENE OF SPRINGFIELD AS A NOTARY PUBLIC.

Resolved, That the acts of Nellie K. Lavene of Springfield as a notary public between November twelfth, nineteen hundred and thirty-six and December seventeenth, nineteen hundred and thirty-seven, both dates inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Nellie Karsakov, she failed to re-register under her new name and pay to the secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved February 10, 1938.

- Chap.* 4 RESOLVE RELATIVE TO A CERTAIN ACCOUNT OF THE BOARD OF REGISTRATION OF NURSES WITH THE COMMONWEALTH.

Resolved, That the board of registration of nurses is hereby relieved from accounting to the state treasurer for the sum of ninety dollars, the same being the amount of a deficit appearing in its account with the commonwealth on November thirtieth, nineteen hundred and thirty-four, and in its cash account on January twenty-first, nineteen hundred and thirty-five, as set forth in the report of the auditor of the commonwealth on his examination of the accounts of said board completed November seventh, nineteen hundred and thirty-five.

Approved February 10, 1938.

- Chap.* 5 RESOLVE VALIDATING THE ACTS OF PAULINE M. LOGAN OF BELMONT AS A NOTARY PUBLIC.

Resolved, That the acts of Pauline M. Logan of Belmont as a notary public, between March third and June fifth, nineteen hundred and thirty-seven, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time she had been qualified to discharge the duties of said office.

Approved February 25, 1938.

- Chap.* 6 RESOLVE REVIVING AND CONTINUING THE SPECIAL UNPAID COMMISSION ESTABLISHED TO INVESTIGATE THE ACTIVITIES WITHIN THIS COMMONWEALTH OF COMMUNISTIC, FASCIST, NAZI AND OTHER SUBVERSIVE ORGANIZATIONS, SO CALLED.

Resolved, That the special commission, established under chapter thirty-two of the resolves of nineteen hundred and thirty-seven for the purpose of investigating the activities

within this commonwealth of Communistic, Fascist and Nazi organizations, so called, and all other organizations promoting, furthering or participating in any movements which are subversive to our American form of government, or which advocate theories or doctrines contrary to and inconsistent with the constitutions of this commonwealth and the United States, or either of them, particularly the sources and extent of the propagation of the doctrines, principles and theories of said organizations by speech or by the exhibition, distribution or promulgation of written or printed documents, or otherwise, is hereby revived and continued, and the final report of said commission, together with drafts of legislation necessary to carry its recommendations into effect, shall be filed with the clerk of the house of representatives on or before the third Wednesday of April in the current year. For the purposes of this resolve, said commission may expend such sums as may hereafter be appropriated therefor, in addition to the unexpended balance of the amount appropriated by item thirty-six h of chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-seven, and said balance is hereby made available for payment of expenses incurred by said commission.

Approved March 3, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO TRUSTS AND TRUSTEES AND TO MAKING UNIFORM THE LAW WITH REFERENCE THERETO. *Chap. 7*

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered seventy-nine, relative to trusts and trustees and to making uniform the law with reference thereto, and to include its conclusions and recommendations in relation to such subject matter, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 3, 1938.

RESOLVE RELATING TO THE DISTRIBUTION OF THE RECORDS OF MASSACHUSETTS SOLDIERS, SAILORS, AND MARINES IN THE CIVIL WAR. *Chap. 8*

Resolved, That, in the distribution of copies of "Massachusetts Soldiers, Sailors and Marines in the Civil War", published under chapter sixty-four of the resolves of nineteen hundred and thirty, the state secretary is hereby authorized to distribute at his discretion, upon written application therefor, one copy to each regularly organized camp of Sons of Union Veterans of the Civil War and to each regularly organized tent of Daughters of Union Veterans of the Civil War within the commonwealth and to each member of the present general court.

Approved April 26, 1938.

Chap. 9 RESOLVE PROVIDING FOR A SURVEY AND STUDY OF THE FISH AND GAME LAWS BY THE DEPARTMENT OF CONSERVATION.

Resolved, That the department of conservation is hereby authorized and directed to make a survey and study of the laws of the commonwealth relative to inland fish and fisheries, birds and mammals with a view to the revision and codification of said laws and to the recommending of such changes therein and additions thereto as may appear necessary or desirable. Said department shall report to the general court the results of its survey and study and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the current year.

Approved April 26, 1938.

Chap. 10 RESOLVE PROVIDING FOR INVESTIGATION AND STUDY BY THE COMMISSION ON INTERSTATE CO-OPERATION RELATIVE TO THE MIGRATION OF INDUSTRIAL ESTABLISHMENTS FROM MASSACHUSETTS TO OTHER STATES EFFECTED THROUGH THE OFFERING OF INDUCEMENTS FOR SAID REMOVAL.

Resolved, That the commission on interstate co-operation is hereby authorized and directed to make an investigation and study relative to the migration of industrial establishments from this commonwealth to other states, and to the offering, by or with the co-operation of governmental agencies, national, state or local, to said industrial establishments of inducements to move to another state, such inducements being commonly in the form of exemption from or abatement of taxes, free rental, free light, and other such advantages.

Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved April 26, 1938.

Chap. 11 RESOLVE PROVIDING FOR THE COMPILING, PRINTING AND DISTRIBUTION OF THE LAWS OF THE COMMONWEALTH RELATIVE TO RETIREMENT SYSTEMS AND PENSIONS.

Resolved, That the state secretary shall cause chapter thirty-two of the General Laws, as amended, and including any amendments enacted in the current year, to be compiled, indexed and annotated, and shall cause to be printed in pamphlet form an edition of not more than fifteen hundred copies of such compilation, and shall distribute them as follows: To such free public libraries of the commonwealth

as the state secretary shall designate, to such other free libraries as shall make written application therefor, to the city clerk of each city and the town clerk of each town, and to the retirement board of each city and town and county having a retirement system, one copy each. The remaining copies shall be distributed by the state secretary in the manner provided for the distribution of public documents. To carry out the provisions of this resolve the state secretary may expend such amount as may hereafter be appropriated.

Approved May 5, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION AND THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO SEWAGE POLLUTION OF THE CHARLES RIVER.

Chap. 12

Resolved, That the metropolitan district commission and the department of public health, acting as a joint board, are hereby authorized and directed to investigate the subject of sewage pollution of the Charles river and the most practical and effective steps to be taken to remedy that condition. Said joint board shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 5, 1938.

RESOLVE RELATIVE TO CERTAIN LITIGATION NOW PENDING IN THE COURTS OF THE STATE OF TEXAS.

Chap. 13

Whereas, The commonwealth of Massachusetts on November twenty-seventh, nineteen hundred and thirty-three, recovered judgment in the superior court for Suffolk county against one Edgar B. Davis, now resident in Texas, for five hundred thirty-four thousand, nine hundred seventeen dollars and forty-eight cents, together with costs of ninety-one dollars and five cents, as appears from the docket of said court in case numbered two hundred fourteen thousand, nine hundred and ninety-seven, which said judgment is still outstanding and on account of which nothing has been paid or received, and there is no known property of said Davis in the commonwealth sufficient to satisfy said judgment or any substantial part thereof; and

Whereas, Two suits have been brought in the district court of Bexar county, thirty-seventh judicial district of Texas, one against said Davis and another, a garnishment proceeding, against United North and South Development Company, in an attempt to collect the aforesaid judgment, in which said suits William H. Russell, Esquire, of San Antonio, Texas, appears as attorney for the commonwealth; and

Whereas, Under the law of Texas, in order to procure the issuance of a writ of garnishment, it was necessary that a bond be filed in double the amount of the indebtedness claimed, pursuant to which requirement His Excellency, Governor Charles F. Hurley, by and with the consent of the council, on June eighteenth, nineteen hundred and thirty-seven, executed such bond in the principal sum of one million, four hundred thousand dollars, in which the commonwealth is principal and the Fidelity and Deposit Company of Maryland, Aetna Casualty and Surety Company, Indemnity Insurance Company of North America, Fidelity and Casualty Company of New York, National Surety Corporation and United States Fidelity and Guaranty Company are sureties, the condition of which bond is substantially that the commonwealth will prosecute its suit to effect and pay to said Davis all damages and costs that may be adjudged against it for wrongfully suing out said garnishment; and

Whereas, The defendants have questioned the sufficiency of the bond and the authority of the governor of the commonwealth to execute the same and to create a binding obligation on the commonwealth; therefore be it

Resolved, That, in order to remove any such doubts, the action of said governor and the council in executing said bond and the institution of said suits by William H. Russell, Esquire, as attorney, are ratified and confirmed.

Approved May 6, 1938.

Chap. 14 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE CONSTRUCTION AND MAINTENANCE IN THE CITY OF BOSTON OF A PARK AS A MEMORIAL TO THE LOCALITY WHERE THE FRIGATE "CONSTITUTION" WAS CONSTRUCTED.

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current house document numbered four hundred and sixty-six, relative to the construction and maintenance by said commission of a park, to be known as Constitution Park, extending from the junction of Hanover and Commercial streets to the Charlestown bridge, so called, in the city of Boston, as a memorial to the locality where the United States Frigate "Constitution" was constructed. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

RESOLVE AUTHORIZING THE ARMORY COMMISSION TO PROVIDE AN ADDITION TO THE STATE ARMORY IN THE CITY OF NEW BEDFORD WITH THE AID OF FEDERAL FUNDS. *Chap. 15*

Resolved, That, if and when funds sufficient to meet three fourths of the cost of the work hereinafter referred to have been allotted under the provisions of any appropriate federal law and after an appropriation has been made from the state treasury to meet one fourth of said cost, the armory commission is hereby authorized to construct an addition to the state armory in the city of New Bedford, at a cost not to exceed eighty thousand dollars; and sections forty and forty-one of chapter thirty-three of the General Laws, as appearing in the Tercentenary Edition, shall, so far as applicable, apply to proceedings taken and acts done under authority of this resolve. *Approved May 17, 1938.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE ARMORY COMMISSION RELATIVE TO THE ERECTION OF ARMORIES IN THE TOWN OF WATERTOWN AND THE CITY OF PEABODY. *Chap. 16*

Resolved, That the armory commission is hereby authorized and directed to investigate the subject matter of current house document numbered one hundred and thirty-seven, relative to the erection of a new armory in the town of Watertown, and the subject matter of current house document numbered six hundred and sixty-one, relative to the erection of a new armory in the city of Peabody, with a view to determining suitable locations for and the probable cost of said armories. Said commission shall report to the general court the results of its investigations hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year. *Approved May 17, 1938.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF CONSERVATION RELATIVE TO THE ACQUISITION BY THE COMMONWEALTH OF BLANEY MEADOWS, SO CALLED, AND ADJACENT TERRITORY IN THE CITIES OF PEABODY, SALEM AND LYNN, AND OF REEDY MEADOW, SO CALLED, AND ADJACENT TERRITORY IN THE TOWNS OF LYNNFIELD AND WAKEFIELD AND THE DEVELOPMENT THEREOF FOR STATE RESERVATION PURPOSES. *Chap. 17*

Resolved, That the department of conservation is hereby authorized and directed to investigate the advisability of the acquisition by the commonwealth of Blaney Meadows, so called, and adjacent territory in the cities of Peabody, Salem and Lynn, and Reedy Meadow, so called, and adjacent territory in the towns of Lynnfield and Wakefield, and the development thereof for state reservation purposes.

Said department shall report to the general court the results of its investigation and its recommendations, if any, including estimates of cost and drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

Chap. 18 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE ARMORY COMMISSION RELATIVE TO THE ACQUISITION OF LAND IN THE CITY OF LAWRENCE FOR ARMORY PURPOSES THEREIN.

Resolved, That the armory commission is hereby authorized and directed to investigate the subject matter of current house document numbered seventeen hundred and sixty-two, relative to the acquisition of land in the city of Lawrence for armory purposes, with a view to determining the advisability and probable cost of acquiring the parcel of land referred to in said house document or other land in said city for armory purposes therein. Said commission shall report to the general court the results of its investigation hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

Chap. 19 RESOLVE AUTHORIZING THE CONSTRUCTION BY THE METROPOLITAN DISTRICT COMMISSION OF A FOOT BRIDGE OVER THE MYSTIC RIVER IN THE CITY OF MEDFORD.

Resolved, That, if and when funds sufficient to meet the cost of the work hereinafter referred to have been allotted under the provisions of any appropriate federal statute, the metropolitan district commission is hereby authorized and directed to construct a foot bridge over the Mystic river on land now owned or under the control of said commission, said bridge to extend from a point on the south side of said river opposite Maple avenue to a point on the north side of said river west of the rear of Saint Joseph's church; provided, that the entire cost of such work shall be met solely out of such federal funds.

Approved May 17, 1938.

Chap. 20 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE ACQUISITION BY SAID COMMISSION OF CERTAIN LAND ON THE SHORE OF THE CHARLES RIVER OPPOSITE THE JOHN A. HAVEY MEMORIAL BEACH IN WEST ROXBURY.

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current house document numbered nine hundred and fifty-nine, relative to the acquisition by the metropolitan

district commission of a strip of land on the Dedham side of the Charles river opposite the John A. Havey Memorial Beach in the West Roxbury district of the city of Boston for the purpose of improving the beach and recreational center at said location and for certain other purposes. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE ERECTION OF A TUNNEL UNDER THE ROADWAY NEAR THE STATE BATH HOUSE IN THE CITY OF LYNN. *Chap. 21*

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current house document numbered fifteen hundred and fourteen, relative to the construction of a tunnel or tunnels under the roadway near the state bath house in the city of Lynn. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE COMMISSIONER OF CONSERVATION RELATIVE TO THE SO-CALLED POCASSET BRANCH OF THE WAMPANOAG TRIBE OF INDIANS. *Chap. 22*

Resolved, That the commissioner of conservation is hereby authorized and directed to make an investigation relative to the so-called Pocasset branch of the Wampanoag tribe of Indians, which formerly owned all the territory now lying within the limits of the city of Fall River and the towns of Freetown and Westport, with a view to determining whether or not the commonwealth is under any obligation to the descendants of said Indians with respect to providing benefits for such descendants as a class. For said purpose, said commissioner may expend such sums, not exceeding one hundred dollars, as may hereafter be appropriated therefor. Said commissioner shall report to the general court the results of his investigation, and his recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

- Chap. 23* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF CONSERVATION RELATIVE TO PROVIDING FOR THE PROPAGATION OF LOBSTERS BY THE COMMONWEALTH.

Resolved, That the department of conservation is hereby authorized and directed to investigate relative to the advisability, feasibility and cost of propagation of lobsters by the commonwealth. Said department in making said investigation shall consider the effects such undertaking by the commonwealth would have on the lobster industry. For the purposes of this resolve, said department may expend such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated therefor. Said department shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

- Chap. 24* RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO FURNISHING STATE AID TO, AND PROVIDING FOR THE PAYMENT OF BURIAL EXPENSES OF, CERTAIN PERSONS WHO SERVED IN THE MILITARY SERVICE OF THE COMMONWEALTH.

Resolved, That the commissioner of state aid and pensions is hereby authorized and directed to investigate the subject matter of current house documents numbered two hundred and seventy-two and two hundred and seventy-three, relative to furnishing state aid to, and providing for the payment of burial expenses of, certain persons who served in the military service of the commonwealth during the world war or during the Boston police strike, so called. Said commissioner shall report to the general court the results of his investigation hereunder, and his recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

- Chap. 25* RESOLVE AUTHORIZING THE CONTINUATION OF THE PENDING INVESTIGATION BY THE DEPARTMENT OF PUBLIC HEALTH, IN CO-OPERATION WITH THE FEDERAL WORKS PROGRESS ADMINISTRATION, RELATIVE TO THE SANITARY CONDITION OF CERTAIN RIVERS IN THE COMMONWEALTH.

Resolved, That the department of public health is hereby authorized to continue the investigation under chapter forty-nine of the resolves of nineteen hundred and thirty-six and chapter sixty-six of the resolves of nineteen hundred

and thirty-seven, in co-operation with the Federal Works Progress Administration, and to investigate the sanitary condition of any river within the limits of the commonwealth in co-operation with such Administration. For the said purposes said department may expend for services, other than personal services, and for traveling expenses, supplies, materials and equipment, such sums, not exceeding, in the aggregate, three thousand five hundred dollars, as may hereafter be appropriated therefor, and in addition may expend the unexpended balance of the amount appropriated by item 36q of section two of chapter four hundred and forty-five of the acts of nineteen hundred and thirty-seven. Said department shall report its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 17, 1938.

RESOLVE PROVIDING FOR THE INVESTIGATION AND STUDY BY A SPECIAL UNPAID COMMISSION OF THE PROBLEMS AFFECTING UNEMPLOYED YOUTH IN THE COMMONWEALTH AND THE ADVISABILITY OF ESTABLISHING CONSERVATION CAMPS FOR THE RELIEF OF UNEMPLOYMENT AND FOR THE IMPROVEMENT OF STATE LAND AND PROPERTIES.

Chap. 26

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, the adjutant general, the justice of the Boston juvenile court, the commissioner of public welfare, the commissioner of conservation and the secretary of the Massachusetts branch of the American Federation of Labor, is hereby established for the purpose of investigating the problems of unemployed youth in the commonwealth and the relation between unemployment and juvenile delinquency; and to study the advisability of establishing and maintaining civilian conservation camps on state property for the purpose of doing work of a public nature and relieving unemployment.

Said commission may hold public hearings, and shall be furnished with quarters in the state house or elsewhere. The commission may expend for clerical and other assistance out of such amount, not exceeding five hundred dollars, as the general court shall appropriate, such sums as the governor and council approve, and shall report to the general court the result of its investigation and its recommendations relative thereto, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved May 26, 1938.

Chap. 27 RESOLVE IN FAVOR OF THE WIDOW OF THE LATE CHESTER W. CHASE.

Resolved, That, for the purpose of promoting the public good, there be allowed and paid out of the treasury of the commonwealth to the widow of Chester W. Chase, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the current session.

Approved May 26, 1938.

Chap. 28 RESOLVE IN FAVOR OF WILLIAM E. DAVIS OF AGAWAM.

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth in the premises and after an appropriation has been made therefor, there be paid from the state treasury, in monthly instalments beginning as of April first in the current year, the sum of nine hundred dollars per year for a period of five years to William E. Davis of Agawam, who became disabled by reason of injuries received at Camp Devens on July sixteenth, nineteen hundred and twenty-two, in attempting to save state property while serving in the military forces of the commonwealth.

Approved May 26, 1938.

Chap. 29 RESOLVE PROVIDING FOR THE PARTICIPATION BY THE COMMONWEALTH IN THE CELEBRATION OF THE THREE HUNDREDTH ANNIVERSARY OF THE FIRST PERMANENT SETTLEMENT IN THIS COUNTRY OF THE SWEDISH COLONISTS AND OF THE FINNISH COLONISTS.

Resolved, That the special unpaid commission established by chapter seventy-four of the resolves of nineteen hundred and thirty-six to devise plans and programs for the celebration by the commonwealth of the three hundredth anniversary of the first permanent settlement in this country of the Swedish colonists, and revived and continued by chapter twenty-three of the resolves of nineteen hundred and thirty-seven, is hereby again revived and continued, and the membership of said commission is hereby increased by seven additional members of whom four shall be members of the house of representatives, to be designated by the speaker thereof, and three shall be appointed by the governor, with the advice and consent of the council. Said commission is hereby authorized to carry out the plans and program devised under authority of said resolves for the celebration by the commonwealth of said anniversary in the current year, and in addition such plans and program as it may devise, under authority hereby granted, for the celebration by the commonwealth in the current year of the three hundredth anniversary of the first permanent settlement in this country of the Finnish colonists, to co-operate with such

citizens' committees as may be organized in the various communities of the commonwealth in connection with said celebrations, and to represent the commonwealth at the national celebrations of said anniversaries to be held in the States of Delaware and New Jersey and the Commonwealth of Pennsylvania in the current year; and be it further

Resolved, That the governor is hereby requested to extend invitations to visit this commonwealth to such representatives of the Swedish and Finnish governments as may accept the invitation of the President of the United States to join in said celebrations in this country; and be it further

Resolved, That, for the purposes of this resolve, said commission may expend, subject to appropriation, such sums, not exceeding, in the aggregate, seventy-five hundred dollars, as may be approved by the governor and council.

Approved May 26, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ABOLISHING THE DEFENCES OF CONTRIBUTORY NEGLIGENCE AND IMPUTED NEGLIGENCE IN CASES OF DEATH OR INJURY TO CHILDREN UNDER SEVEN. *Chap. 30*

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered fourteen hundred and eighty-nine, relative to abolishing the defences of contributory negligence and imputed negligence in cases of death or injury to children under seven, and to include its conclusions and recommendations in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved May 26, 1938.

RESOLVE PROVIDING FOR A FURTHER INVESTIGATION BY THE ARMORY COMMISSION RELATIVE TO THE ERECTION OF ARMORIES IN THE CITIES OF MELROSE AND CHICOPEE. *Chap. 31*

Resolved, That the armory commission is hereby authorized and directed to further investigate the subject matter of senate document numbered three hundred and sixty-four of the year nineteen hundred and thirty-seven, relative to the erection of a new armory in the city of Melrose, and the subject matter of senate document numbered twenty-two of said year, relative to the erection of a new armory in the city of Chicopee, with a view to determining suitable locations for and the probable cost of said armories, including the cost of acquiring such land as may be necessary therefor. Said commission in making its investigation hereunder shall consider the number of military units now located or proposed to be located in said cities. Said commission shall report to the general court the results of its investigations hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into

effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 1, 1938.

Chap. 32 RESOLVE PROVIDING FOR A SPECIAL COMMISSION TO INVESTIGATE AND STUDY THE LAWS RELATIVE TO THE MARINE FISHERIES OF THE COMMONWEALTH.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, the commissioner of conservation or a member of his department designated by him, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the laws relating to the marine fisheries of the commonwealth for the purpose and object of revising said laws and making them uniform in all parts of the commonwealth and the coastal waters thereof, with particular reference to the areas of coastal waters in which seines, trawls, drag nets and other gear of every nature and description may be used and to the penalties now provided for the violation of said laws; and with the further purpose of making such alterations and revisions in the present laws affecting the marine fisheries as will preserve, conserve and protect the spawning grounds and feeding grounds of fish in said coastal waters and thereby maintain the supply of fish and preserve the fishing industry of the commonwealth.

In making its investigation and study hereunder, said commission shall consider the subject matter of current house document numbered five hundred and eleven, relative to the taking by seines of bluefish, striped bass and white perch within certain waters of the commonwealth and of current house document numbered fourteen hundred and fifty-two, relative to the taking by seines of white perch off the shores of Barnstable county.

The facilities of all departments of the commonwealth having to do with the subject matter of this resolve shall be available to said commission.

Said commission may expend for expert, clerical and other services and expenses, including travel, such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may hereafter be appropriated.

Said commission shall report to the general court the result of its study and consideration hereunder and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 1, 1938.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE WILLIAM T. SWAIN.

Resolved, That, for the purpose of promoting the public good and in consideration of his meritorious service in the general court of this commonwealth, there be allowed and paid out of the state treasury to the widow of the late William T. Swain, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the current session. Chap. 33

Approved June 2, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO PROVIDING ADDITIONAL ACCOMMODATIONS AND EQUIPMENT AT THE SOLDIERS' HOME IN MASSACHUSETTS AND THE PURPOSES FOR WHICH SAID INSTITUTION SHALL BE OPERATED. Chap. 34

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and three persons to be appointed by the governor, is hereby established for the purpose of investigating the advisability of providing for additional accommodations and equipment at the soldiers' home in Massachusetts and the purposes for which said institution shall be operated. In making its investigation hereunder said commission shall consider the subject matter of current senate document numbered three hundred and sixty-four and current house document numbered eight hundred and fifty-three. For said purposes said commission may expend for clerical and other assistance such sums, not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry the same into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 2, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC UTILITIES RELATIVE TO THE MAINTENANCE OF GATES OR ELECTRIC SIGNALS, OR THE STATIONING OF FLAGMEN, AT CERTAIN RAILROAD GRADE CROSSINGS. Chap. 35

Resolved, That the department of public utilities is hereby authorized and directed to investigate the subject matter of current house document numbered eleven hundred and seven, relative to the maintenance of gates or electric signals, or the stationing of flagmen, at certain railroad grade crossings, and for the apportionment of the cost thereof.

Said department shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year. *Approved June 2, 1938.*

- Chap. 36* RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE COMMITMENT OF CERTAIN JUVENILE OFFENDERS TO COUNTY TRAINING SCHOOLS, AND RELATIVE TO THE USE OF SAID SCHOOLS.

Resolved, That a special unpaid commission, to consist of the commissioner of public welfare, the commissioner of correction, the county personnel board and three persons to be appointed by the governor, with the advice and consent of the council, one of which appointees shall be a justice of a district court and one a superintendent of a county training school, is hereby established for the purpose of investigating the subject matter of current house documents numbered five hundred and two and five hundred and three, relative to the commitment of certain juvenile offenders to county training schools. Said commission shall also investigate and ascertain whether the facilities provided by county training schools are now being fully made use of and, if not, for what other purposes the same may be conveniently and advantageously used. Either of said commissioners, if he so elects, may designate an officer or employee in his department to serve in his place on said commission. For the purposes of this resolve said commission may expend such sums, not exceeding, in the aggregate, two hundred dollars, as may be appropriated therefor. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 7, 1938.

- Chap. 37* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE ARMORY COMMISSION RELATIVE TO THE ACQUISITION OF LAND IN THE CITY OF LOWELL FOR ARMORY PURPOSES THEREIN.

Resolved, That the armory commission is hereby authorized and directed to investigate the subject matter of current house document numbered six hundred and sixty, relative to the acquisition of land in the city of Lowell for armory purposes, with a view to determining the advisability and probable cost of acquiring the parcel of land referred to in said house document. Said commission shall report to the general court the results of its investigation hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by

filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 7, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY AN UNPAID SPECIAL COMMISSION OF THE LAWS RELATIVE TO THE METHOD OF DETERMINING AND APPORTIONING STATE AND COUNTY TAXES. *Chap. 38*

Resolved, That a special unpaid commission, consisting of the chairman of the commission on administration and finance, the commissioner of corporations and taxation and the attorney general, is hereby established for the purpose of making a study of the provisions of the General Laws relative to the method of determining and apportioning state and county taxes, with a view to recommending such changes in said provisions of law, or such additions thereto, as said commission may deem advisable. Any member of said special commission, if he so elects, may designate an officer or employee in his department to serve in his place on said commission.

Said special commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year.

Approved June 7, 1938.

RESOLVE RELATIVE TO THE METHOD OF ENGROSSMENT BY THE STATE SECRETARY OF A BILL ENTITLED "AN ACT FOR CODIFICATION, REVISION AND AMENDMENT OF THE LAWS RELATIVE TO THE CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS AND OTHER STRUCTURES IN THE CITY OF BOSTON", AND TO THE PRINTING AND PUBLICATION OF SUCH BILL UPON ITS BECOMING LAW. *Chap. 39*

Resolved, That the state secretary is hereby authorized and directed to prepare for enactment by the general court an exact copy of the bill of the current year entitled "An Act for Codification, Revision and Amendment of the Laws relative to the Construction, Alteration and Maintenance of Buildings and other Structures in the City of Boston", as passed to be engrossed by both branches, so far as possible by pasting a printed copy of said bill, as so passed, on the kind and size of paper specified in section twenty-three of chapter three of the General Laws, and the copy so prepared shall be deemed to have been fairly engrossed in compliance with said section twenty-three; and be it further

Resolved, That, notwithstanding the provisions of sections two, three and four of chapter five of the General Laws, the state secretary shall not cause said bill, as enacted into law, to be printed and published, as provided in said sections, but shall print in the publications provided for by said

sections, under the chapter number of said bill as enacted, its title, the date when it becomes law and an appropriate reference to this resolve; and he shall cause five hundred copies of said bill, as enacted, to be printed and published separately in such form as he may determine. He shall distribute the same in such manner as he may determine. Copies of said act so separately printed and published shall have the same force and effect as though printed and published in accordance with said sections.

Approved June 7, 1938.¹

Chap. 40 RESOLVE PROVIDING FOR A STUDY BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE BOSTON AIRPORT, SO CALLED.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making a thorough investigation and study of the Boston airport, so called. The commission shall hold public hearings, shall be provided with quarters in the state house or elsewhere, and may expend, with the approval of the governor and council, for clerical and other services and expenses, including travel within and without the commonwealth, such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may hereafter be appropriated. The commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year.

Approved June 9, 1938.

Chap. 41 RESOLVE AUTHORIZING THE PAYMENT OF CERTAIN COMPENSATION TO CERTAIN EMPLOYEES OF THE INCOME TAX DIVISION OF THE DEPARTMENT OF CORPORATIONS AND TAXATION.

Resolved, That, subject to appropriation, there be allowed and paid out of the treasury of the commonwealth a sum, not exceeding eleven thousand dollars, for the purpose of compensating certain employees of the income tax division of the department of corporations and taxation who performed services or incurred expenses as such employees during the year nineteen hundred and thirty-seven, but received therefor no salary or compensation or only partial salary or compensation because of the insufficiency of the funds appropriated for said division. Salary or compensation as aforesaid shall be paid to such employees and in such

¹ See chapter 479, Acts of 1938.

amounts as may be determined by the commissioner of corporations and taxation, with the approval of the governor and council.

Approved June 9, 1938.

RESOLVE PROVIDING FOR THE IMPROVEMENT OF FAIRHAVEN HARBOR BY THE COMMONWEALTH, THE FEDERAL GOVERNMENT AND THE TOWN OF FAIRHAVEN. *Chap. 42*

Resolved, That there be allowed and paid out of the treasury of the commonwealth for the improvement of Fairhaven harbor in accordance with a project of the federal government, ten thousand two hundred dollars; provided, that no part of this amount shall be expended until the congress of the United States shall have appropriated the sum of twenty thousand dollars for the improvement aforesaid, and the town of Fairhaven shall have appropriated and paid into the state treasury ten thousand two hundred dollars as a contribution toward said improvement and shall have agreed to provide, free of cost, suitable areas for the disposal of the dredged material. When congress shall have made the appropriation and the town of Fairhaven its contribution and agreement, the twenty thousand four hundred dollars hereby provided shall be placed to the credit of the secretary of war of the United States as a cash deposit, for the improvement of Fairhaven harbor.

Approved June 9, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE GRANTING OF VACATIONS, SICK LEAVES AND OTHER LEAVES OF ABSENCE TO OFFICERS AND EMPLOYEES OF THE COMMONWEALTH. *Chap. 43*

Resolved, That a special commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and the chairman of the commission on administration and finance, or a representative of said commission to be designated by said chairman, is hereby established for the purpose of making an investigation relative to the existing policy and practice of the commonwealth in granting vacations, sick leaves and other leaves of absence to its officers and employees, with a view to determining whether or not the granting of said privileges should be further regulated. For the purposes of this resolve said special commission may expend for expenses and clerical and other assistance such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may hereafter be appropriated therefor. Said special commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the

house of representatives on or before the first Wednesday of December in the current year.

Approved June 9, 1938.

Chap. 44 RESOLVE VALIDATING THE ACTS OF FLOYD A. RUSSELL OF MILLIS AS A NOTARY PUBLIC.

Resolved, That the acts of Floyd A. Russell of Millis as a notary public, between February twenty-fifth, nineteen hundred and thirty-eight, and May nineteenth, nineteen hundred and thirty-eight, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved June 9, 1938.

Chap. 45 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENTS OF LABOR AND INDUSTRIES AND PUBLIC HEALTH RELATIVE TO HOURS OF LABOR OF WOMEN AND CHILDREN IN HOSPITALS, NURSING OR CONVALESCENT HOMES OR SIMILAR INSTITUTIONS, AND RELATED MATTERS.

Resolved, That the department of labor and industries and the department of public health, acting as a joint board, are hereby authorized and directed to investigate the subject matter of current house document numbered one hundred and twenty-three, relative to hours of labor of women and children in hospitals, nursing or convalescent homes or similar institutions, and related matters. Said joint board shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year.

Approved June 9, 1938.

Chap. 46 RESOLVE EXTENDING THE PERIOD OF EXISTENCE, AND ESTABLISHING THE NAME, OF THE UNPAID SPECIAL COMMISSION RELATIVE TO THE PARTICIPATION BY THE COMMONWEALTH IN THE WORLD'S FAIR TO BE HELD IN NEW YORK CITY IN THE YEAR NINETEEN HUNDRED AND THIRTY-NINE, AND FURTHER DEFINING THE POWERS AND DUTIES OF SAID COMMISSION.

Resolved, That the commission established by chapter seventeen of the resolves of nineteen hundred and thirty-seven shall hereafter be known as the Commission on the Participation by the Commonwealth of Massachusetts in the World's Fair of Nineteen Hundred and Thirty-nine. The term during which such commission shall serve is hereby extended to and including December thirty-first, nineteen hundred and thirty-nine, during which extended term said commission shall have, and may exercise, such powers and privileges, and shall be subject to such duties, as are set

forth or referred to in said chapter seventeen. Said commission shall also have charge of the interests of the commonwealth and its citizens in the preparation and exhibition, at the World's Fair to be held in New York City in the year nineteen hundred and thirty-nine, of the natural and industrial products of the commonwealth and of objects illustrating its history, progress, moral and material welfare and plans for its future development, and in all other matters relating to said fair. The commission shall communicate with the officers of said fair, and shall obtain and disseminate throughout the commonwealth all necessary information regarding said fair and in general shall have and exercise full authority in relation to the participation of the commonwealth and its citizens in said fair. Said commission is authorized to confer with similar boards or commissions of the states of Maine, New Hampshire, Vermont, Rhode Island and Connecticut for the purpose of considering the advisability of grouping, so far as may be practicable, the buildings of the New England states at said fair. The commission shall report to the general court on or before the first Wednesday of December of each year of its existence and may also report thereto whenever it deems such action advisable. For said purposes the commission may annually expend, in addition to any unexpended balances of appropriations for prior years, such sums, not exceeding, in the aggregate, seventy-five thousand dollars for any one year, as may hereafter be appropriated therefor.

Approved June 14, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO PROVIDING SUITABLE OUTDOOR PUBLIC BATHING FACILITIES IN THE TOWN OF WEST BOYLSTON. *Chap. 47*

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current house document numbered seven hundred and forty-eight, relative to the providing by said commission of suitable outdoor public bathing facilities in the town of West Boylston. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with estimates of cost and drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 14, 1938.

RESOLVE IN FAVOR OF MASSACHUSETTS MEMORIAL HOSPITALS. *Chap. 48*

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth in the premises, there be allowed and paid from the state treasury, subject to appropriation, to Massachusetts Memorial Hospitals, a charitable

corporation, the sum of twenty-one thousand one hundred and sixty dollars and eighty-six cents, being a refund of certain interest which was, upon demand, paid to the commonwealth by said Massachusetts Memorial Hospitals, said interest covering the period during which said Massachusetts Memorial Hospitals was unable, because of largely increased deficits due to caring for the sick poor of Massachusetts, to make a certain payment to the commonwealth which, by the terms of an agreement made in March, nineteen hundred and twenty-nine, was due on April tenth, nineteen hundred and thirty-two.

Approved June 16, 1938.

Chap. 49 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE PAYMENT BY THE COMMONWEALTH OF THE FUNERAL AND BURIAL EXPENSES IN CASE OF THE DECEASE OF CERTAIN INMATES OF STATE INSTITUTIONS.

Resolved, That a special commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and three persons to be appointed by the governor, is hereby established for the purpose of investigating the subject matter of current house document numbered two hundred and thirty-eight, relative to the payment by the commonwealth of the funeral and burial expenses in case of the decease of certain inmates of state institutions. For the purposes of this resolve, said commission may expend such sums, not exceeding, in the aggregate, one thousand dollars, as may hereafter be appropriated. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 16, 1938.

Chap. 50 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE ERECTION AND MAINTENANCE BY SAID DEPARTMENT OF A BATH HOUSE AT NEW BEACH IN THE TOWN OF PROVINCETOWN.

Resolved, That the department of public works is hereby authorized and directed to investigate the subject matter of current house document numbered five hundred and seventy-seven, relative to the erection and maintenance by the said department of a bath house at New Beach in the town of Provincetown. Said department shall report to the general court the results of its investigation, and its recommendations, if any, together with estimates of cost and drafts of legislation necessary to carry said recommen-

dations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 16, 1938.

RESOLVE IN FAVOR OF THE TOWN OF CHESTER.

Chap. 51

Resolved, That there shall be allowed and paid to the town of Chester out of the treasury of the commonwealth, subject to appropriation, the sum of six hundred dollars, for the purpose of reimbursing said town for public welfare expenses incurred by it from April, nineteen hundred and thirty-three, to December, nineteen hundred and thirty-five, in giving relief to John B. Boomsma and family, who had no settlement in the commonwealth.

Approved June 16, 1938.

RESOLVE PROVIDING FOR A STUDY OF THE COMPULSORY MOTOR VEHICLE INSURANCE LAW, SO-CALLED, WITH A VIEW TO PROVIDING RELIEF FOR CAREFUL OPERATORS OF MOTOR VEHICLES IN THE MATTER OF INSURANCE PREMIUMS PAID BY THEM UNDER SAID LAW. *Chap. 52*

Resolved, That the commissioner of insurance is hereby authorized and directed to make a study of the compulsory motor vehicle insurance law, so-called, with a view to providing relief for careful operators of motor vehicles in the matter of insurance premiums paid by them under said law. Said commissioner shall consider particularly the advisability of adopting the so-called merit rating plan as a means of furnishing such relief. He shall report to the general court his findings, and his recommendations, if any, together with drafts of legislation necessary for carrying said recommendations into effect, by filing the same with the clerk of the house of representatives on or before November first in the current year.

Approved June 16, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE REGISTRATION OF OSTEOPATHS AND CHIROPRACTORS AND THE PRACTICE OF OSTEOPATHY AND CHIROPRACTIC, RELATIVE TO THE ADVISABILITY OF ESTABLISHING A SINGLE BOARD FOR THE EXAMINATION OF APPLICANTS FOR REGISTRATION TO PRACTICE ANY OF THE HEALING ARTS, AND RELATIVE TO CERTAIN FOOD, DRUGS AND POISONS. *Chap. 53*

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established to make an investigation relative to the subject matter of current senate document numbered two hundred and eighty-two and current house document numbered seven hundred

and fifty-nine, relative to establishing a board of examination and registration in osteopathy and regulating the practice of osteopathy, of current house document numbered eight hundred and fifty-four, relative to establishing a board of registration of chiropractors and regulating the practice of chiropractic, and of current house documents numbered four hundred and seventy-eight, eight hundred and fifty-one, eight hundred and fifty-two and fourteen hundred and nine, relative to certain food, drugs and poisons. Said committee shall also consider the advisability of establishing a single board for the examination of applicants for registration to practice any of the healing arts. Said commission shall hold hearings, shall be provided with quarters in the state house or elsewhere and may expend for expenses and clerical and other assistance such sums, not exceeding, in the aggregate, one thousand dollars, as may hereafter be appropriated. Said commission shall report to the general court the result of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 21, 1938.

Chap. 54

RESOLVE IN FAVOR OF CHARLES A. LEVANGIE.

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth in the premises, and after an appropriation has been made therefor, there be allowed and paid out of the treasury of the commonwealth to Charles A. LeVangie, employed as a junior engineering aide in the sewerage division of the metropolitan district commission, the sum of thirty-two dollars as compensation for hospital and doctor's expenses incurred by him as a result of injuries sustained by him on July eleventh, nineteen hundred and thirty-six, while in the performance of his official duties, to which sum said LeVangie would have been legally entitled had such injuries been sustained by him subsequent to the effective date of chapter four hundred and three of the acts of nineteen hundred and thirty-six.

Approved June 22, 1938.

Chap. 55

RESOLVE IN FAVOR OF EDWARD F. ELD OF WORCESTER.

Resolved, That, after an appropriation therefor has been made from the Highway Fund, the department of public works may pay to Edward F. Eld of Worcester the sum of two hundred and sixty dollars in full compensation for a certain parcel of land owned by said Eld, which was taken by eminent domain under chapter seventy-nine of the General Laws by said department in connection with a state highway in the city of Worcester.

Approved June 22, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A JOINT
BOARD, CONSISTING OF THE METROPOLITAN DISTRICT COM-
MISSION AND THE DEPARTMENT OF PUBLIC HEALTH, RELAT-
TIVE TO THE ADVISABILITY OF ESTABLISHING A METHOD
OF ASSESSING FINANCING AND MAINTENANCE COSTS OF
THE METROPOLITAN SEWERAGE DISTRICTS ON THE BASIS
OF VOLUME OF SEWAGE DISCHARGE THEREINTO. *Chap. 56*

Resolved, That the metropolitan district commission and the department of public health, acting as a joint board, are hereby authorized and directed to investigate the advisability of establishing a method of assessing financing and maintenance costs on cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, on the basis of volume of sewage delivered by the towns, respectively, into the systems of such districts. Said joint board shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 22, 1938.

RESOLVE PROVIDING FOR THE CONSOLIDATION AND AR-
RANGEMENT OF CERTAIN CHAPTERS AND SECTIONS OF
THE GENERAL LAWS. *Chap. 57*

Resolved, That the counsel to the senate and the counsel to the house of representatives be authorized and directed to consolidate and arrange such chapters and sections of the general laws of the commonwealth enacted December twenty-second, nineteen hundred and twenty, and such general laws in amendment thereof or in addition thereto, as the said counsel, with the approval of the president of the senate and the speaker of the house of representatives, may from time to time determine.

Said counsel shall execute said consolidation and arrangement in such manner as in their judgment will render the laws thus consolidated most concise and intelligible; may omit redundant enactments and those which may have ceased to have any effect or influence on existing rights; may reject superfluous words, and condense into as concise and comprehensive a form as is consistent with the full and clear expression of the general court, all circuitous, tautological and ambiguous phraseology; may suggest any mistakes, omissions, inconsistencies and imperfections which may appear in the laws to be consolidated and arranged, and the manner in which they may be corrected, supplied and amended. The existing marginal notations in the laws so consolidated and arranged shall be revised where necessary and shall include citations of the decisions of the supreme judicial court rendered upon them.

Said counsel may make such changes in section numbers, titles, headings and subheadings as changes in the text of said laws may require.

Said counsel shall complete the consolidation and arrangement of said laws, and present in print a report of the substantive changes, to the general court, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December, nineteen hundred and forty, and shall present to the general court their final report by filing the same with the clerk of the house of representatives on or before the first Wednesday of December, nineteen hundred and forty-one.

Said counsel may expend during the current year, with the approval of the president of the senate and the speaker of the house of representatives, such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated by the general court, and may continue the work after December first, nineteen hundred and thirty-eight, upon the basis established in nineteen hundred and thirty-eight until further appropriation by the general court.

Approved June 22, 1938.

Chap. 58 RESOLVE PROVIDING FOR THE PROCURING BY THE COMMISSION ON ADMINISTRATION AND FINANCE OF ARCHITECTS' PLANS AND ESTIMATES OF COST FOR THE CONSTRUCTION OF AN ADDITION TO THE STATE HOUSE.

Resolved, That the commission on administration and finance is hereby authorized and directed to procure architects' plans and estimates of cost for the construction of an addition to the state house or of a separate structure for the purpose of providing additional accommodations for the departments, boards and commissions of the commonwealth. Said commission shall transmit to the general court the plans and estimates procured by it, and its recommendations with respect thereto, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 22, 1938.

Chap. 59 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC UTILITIES RELATIVE TO PROVIDING RELIEF IN THE CITY OF QUINCY AND TOWN OF WEYMOUTH AGAINST THE ESCAPE OR DISCHARGE OF CINDERS, ASHES OR OTHER SOLIDS FROM BUILDINGS IN OR UPON WHICH A FURNACE OR BOILER WITH A FORCED OR INDUCED DRAFT IS USED.

Resolved, That the department of public utilities is hereby authorized and directed to investigate the subject matter of current house document numbered two hundred and one, relative to providing relief in the city of Quincy and town of Weymouth against the escape or discharge of cinders,

ashes or other solids from buildings in or upon which a furnace or boiler with a forced or induced draft is used. Said department shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 22, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE ADVISABILITY OF ESTABLISHING A NEW BASIS OF PAYMENTS TO MEET THE COSTS OF THE WATER SYSTEM OF THE METROPOLITAN WATER DISTRICT. *Chap. 60*

Resolved, That the metropolitan district commission, hereinafter called the commission, is hereby authorized and directed to investigate the advisability of establishing a new basis of payments by municipalities in the metropolitan water district to meet the costs of the water system of said district, and of providing for a stand-by charge, so called, against municipalities not members of said district, but connected with its water system. In making its investigation hereunder said commission shall consider so much of Part XIII of the report of the special commission on taxation and public expenditures established by chapter three of the resolves of nineteen hundred and thirty-seven, as relates to the subject matter of this resolve. The commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 22, 1938.

RESOLVE IN FAVOR OF THE HEIRS OF EUGENE J. TESTA. *Chap. 61*

Resolved, That, for the purpose of promoting the public good and after an appropriation has been made therefor, there be allowed and paid out of the treasury of the commonwealth to the heirs of Eugene J. Testa, who was drowned on January eleventh in the current year in the Charles River Basin in the city of Boston while in the performance of his duties as a painter-laborer in the employ of the metropolitan district commission, the sum of four thousand dollars. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by the heirs of said Eugene J. Testa that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum paid hereunder.

Approved June 22, 1938.

Chap. 62 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO WORKMEN'S COMPENSATION INSURANCE, INCLUDING COVERAGE FOR SILICOSIS AND OTHER HAZARDOUS EMPLOYMENT, AND RELATIVE TO SELF-INSURANCE BY EMPLOYERS.

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, of whom one shall be a person who, on account of his vocation, employment, occupation or affiliation can be classed as an employer and one shall be a person who on account of his vocation, employment, occupation or affiliation can be classed as an employee, is hereby established for the purpose of making an investigation of the subject matter of current senate documents numbered one hundred and sixty-four, providing for equitable allocation of refused risks for workmen's compensation insurance, one hundred and sixty-eight, making workmen's compensation insurance compulsory upon employers, one hundred and sixty-nine, to encourage coverage of the silicosis risk, by reducing the maximum liability, one hundred and seventy, to enforce compulsory workmen's compensation coverage by increasing the liability in case of non-compliance, and one hundred and seventy-one, relative to liability in case of failure to secure compulsory workmen's compensation coverage, and current house documents numbered six hundred and fifty, regulating the operation of certain dangerous machines and other apparatus, thirteen hundred and fifty-nine, requiring compensation for workmen injured in certain hazardous employments, thirteen hundred and sixty, relative to equitable apportionment of risks in connection with compensating employees injured in industrial accidents, and fourteen hundred and ninety-four, permitting employers in the foundry business to obtain workmen's compensation insurance, and furthermore for the purpose of making an investigation of the subject of self-insurance by employers and the question of allowing employers to take out other insurance than workmen's compensation insurance to cover injuries to employees. Said commission may expend for clerical and other services and expenses such sums, not exceeding, in the aggregate, two thousand dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigations hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate not later than the first Wednesday of December in the current year.

Approved June 22, 1938.

RESOLVE PROVIDING FOR A STUDY BY A SPECIAL UNPAID *Chap. 63*
COMMISSION OF THE GENERAL SUBJECT OF CONSERVATION,
INCLUDING STATE PARKS AND PUBLIC PROVISION FOR
RECREATION, THE CONSERVATION OF WILD LIFE AND THE
NATURAL RESOURCES, OF THE ORGANIZATION OF THE
DEPARTMENT OF CONSERVATION, AND OF THE LAWS RE-
LATING TO SAID SUBJECTS.

Resolved, That there is hereby established an unpaid special commission, to be known as the special commission on conservation, hereinafter called the commission, consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor. The commission shall make studies relative to the most effective manner of providing, developing and maintaining adequate public parks, beaches, recreation grounds, including recreational areas within the metropolitan parks district, and state forests; methods for the improvement of hunting and fishing and the increase or control of the various species of wild birds and mammals in the commonwealth; the problem of the pollution of streams and coastal waters; and any other matters falling under the term "conservation of natural resources" as commonly used.

Said commission shall further study the organization and functioning of the state department of conservation and the laws under which it operates.

The commission may expend for expenses and legal, clerical and other assistance such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated.

The commission shall report to the general court the results of its investigation and studies and its recommendations, if any, for such legislation and other official action as it believes will promote the well-being of the inhabitants of the commonwealth and their facilities for recreation, hunting and fishing, forestry and farming, and such further recommendations, if any, as in its opinion will tend to promote the efficiency of the department of conservation, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate not later than December thirty-first in the current year.

Approved June 22, 1938.

RESOLVE IN FAVOR OF MILDRED F. ADAMS OF SANDWICH. *Chap. 64*

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and after an appropriation has been made therefor, there be allowed and paid from the treasury of the commonwealth to Mildred F. Adams, of Sandwich, the sum of four thousand dollars to compensate

her for the death of her husband, Thomas E. Adams, who died on April twenty-eighth of the current year in consequence of injuries sustained on April twenty-seventh of said year while fighting a forest fire at the Shawnee state forest. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said Mildred F. Adams that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved June 22, 1938.

Chap. 65 RESOLVE IN FAVOR OF GRACE L. KING OF SANDWICH.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and after an appropriation has been made therefor, there be allowed and paid from the treasury of the commonwealth to Grace L. King, of Sandwich, the sum of four thousand dollars to compensate her for the death of her husband, Gordon King, who died on May first of the current year in consequence of injuries sustained on April twenty-seventh of said year while fighting a forest fire at the Shawnee state forest. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said Grace L. King that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved June 22, 1938.

Chap. 66 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE MATTER OF THE SUPERVISION AND REGULATION BY THE COMMONWEALTH OF AGENCIES ENGAGED IN SECURING EMPLOYMENT FOR NURSES.

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of investigating so much of the subject matter of current public document numbered twelve as relates to the supervision and regulation by the commonwealth of agencies engaged in securing employment for nurses. Said commission shall be provided with quarters in the state house or elsewhere, and may expend for legal, clerical and other expenses and services, and for travel within the commonwealth, such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may hereafter be appropriated. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recom-

mendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 23, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY AN UNPAID SPECIAL COMMISSION RELATIVE TO THE AMOUNT OF INSURANCE TO BE ISSUED UPON ANY ONE LIFE BY SAVINGS AND INSURANCE BANKS. *Chap. 67*

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of investigating the question whether or not section ten of chapter one hundred and seventy-eight of the General Laws, relative to the amount of insurance which savings and insurance banks may pay upon the death of the insured, should be amended as proposed in current senate document numbered four hundred and forty-three or substantially in accordance therewith. Said commission shall be furnished with quarters in the state house or elsewhere, shall hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers relative to the subject matter of their investigation as hereinbefore set forth, may administer oaths, and may expend for clerical, legal, expert and other assistance and expenses such sums, not exceeding, in the aggregate, two thousand dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 23, 1938.

RESOLVE IN FAVOR OF CLIFFORD GUYOTTE OF MONSON. *Chap. 68*

Resolved, That, for the purpose of promoting the public good, and after an appropriation therefor has been made, there be allowed and paid out of the treasury of the commonwealth to Clifford Guyotte of Monson the sum of six hundred and fifty dollars to compensate him for damages sustained by reason of the acts of a member of the state police in the performance of duty.

Said payment shall be in full satisfaction of all claims against the commonwealth for said damages and shall be made only upon the filing with the state treasurer of an agreement by said Clifford Guyotte that the amount, if

any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum. *Approved June 23, 1938.*

Chap. 69 RESOLVE IN AID OF THE WORK OF THE NEW ENGLAND GOVERNORS' FREIGHT RATE COMMITTEE.

Resolved, That, after an appropriation therefor has been made, there shall be allowed and paid from the treasury of the commonwealth, to be expended under the direction of the governor and council, a sum not exceeding twenty-six thousand two hundred dollars for the purpose of aiding and promoting the work of the New England Governors' Freight Rate Committee. *Approved June 23, 1938.*

Chap. 70 RESOLVE IN FAVOR OF EMMA LAROCHE OF FITCHBURG.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and subject to appropriation, there be allowed and paid from the treasury of the commonwealth to Emma Laroche of Fitchburg, whose husband, Alfred Laroche, died in consequence of injuries sustained by him at the state farm on April twenty-ninth, nineteen hundred and thirty-seven, an annuity of four hundred and eighty dollars, payable in equal monthly instalments, so long as she does not remarry, but in no event for a period longer than five years, and, for necessary expenses of the funeral of her late husband, as may be determined by the attorney general, a sum not exceeding two hundred and eighty dollars. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said Emma Laroche that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the amounts paid hereunder.

Approved June 23, 1938.

Chap. 71 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL UNPAID COMMISSION OF CERTAIN FUNCTIONS AND ACTIVITIES AFFECTING THE CITIES AND TOWNS WITHIN THE SEVERAL METROPOLITAN DISTRICTS.

Resolved, That a special unpaid commission, to consist of one member of the state planning board to be appointed by the governor, one member of the planning board of the city of Boston to be appointed by the mayor of said city, the chairman of the metropolitan district commission, one member of the senate, representing a district situated wholly or partly within any metropolitan district, to be designated by the president thereof, and three members of the house of representatives, representing districts within any metropolitan district, to be designated by the speaker thereof, is hereby established for the purpose of investi-

gating, studying and determining, except with respect to the functions and activities of police and fire departments of cities and towns:—

(a) What functions and activities, now being performed and maintained by the cities and towns within any particular metropolitan district, are similar to functions and activities that are within the jurisdiction of said metropolitan district commission;

(b) The desirability and feasibility of the taking over by the metropolitan district commission of the performance of all or any of such functions and activities as are similar to functions and activities now within the jurisdiction of the metropolitan district commission, and, especially, of such functions, now carried on by said cities and towns, as consist of the maintenance of public beaches, bath houses on public reservations, tunnels and parks and parkways connecting, or which may be connected, with parks or boulevards now under the control of the metropolitan district commission;

(c) Whether the taking over by the metropolitan district commission of the performance of all or any of such functions and activities would tend to promote greater efficiency and economy in the performance and maintenance thereof; and

(d) The desirability of changing the bases of the apportionment of the expenditures incurred by the metropolitan district commission in the performance of its duties, and what proportion of such expenditures so incurred should be borne by the commonwealth and what proportion thereof should be apportioned among the said cities and towns, and whether the proportion thereof required to be apportioned among the said cities and towns may be more equitably apportioned than it is at present.

The special commission shall elect its own chairman, shall be provided with quarters in the state house, shall hold hearings and, with the advice and consent of the governor and council, may expend for clerical and other expenses such sum, not exceeding twenty-five hundred dollars, as the general court may hereafter appropriate. The special commission shall report the results of its study and its recommendations, if any, together with drafts of such legislation as it may deem necessary to give effect to the same, by filing the same with the clerk of the house of representatives on or before December second in the current year.

Approved June 23, 1938.

RESOLVE IN FAVOR OF HARRY LEWIS OF BROOKLINE.

Chap. 72

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury, after appropriation, to Harry Lewis of Brookline, who was injured on May seventh, nineteen hundred and thirty-four, while in the performance of

duty as a chief of survey party in the department of public works, the sum of thirty-five hundred dollars, the same to be in full compensation for injury so sustained and for medical, hospital and other expenses incurred in consequence thereof.

Approved June 23, 1938.

Chap. 73 RESOLVE PROVIDING FOR THE PRINTING AND SALE OF THE COMPLETE REPORT OF THE SPECIAL COMMISSION ON TAXATION AND PUBLIC EXPENDITURES.

Resolved, That the clerk of the house of representatives is hereby authorized and directed to cause to be printed in a single volume Parts I to XVI, inclusive, of the Report of the Special Commission on Taxation and Public Expenditures, established by chapter three of the resolves of nineteen hundred and thirty-seven. Twenty-five hundred copies of said volume shall be printed as aforesaid and the state secretary shall place said copies on sale at such price per copy, not less than the cost of printing and binding, as shall be fixed by him. For the purposes of this resolve, there may be expended a sum not exceeding twenty-five hundred dollars, which shall be paid from the unexpended balance of the amount appropriated by item thirty-six a of section two of chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-seven.

Approved June 23, 1938.

Chap. 74 RESOLVE IN FAVOR OF THE ESSEX COMPANY OF LAWRENCE.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth and after an appropriation has been made therefor, there be allowed and paid out of the treasury of the commonwealth to the Essex Company of Lawrence a sum, not exceeding twenty-one hundred and sixty-one dollars, to reimburse it in part for expenses incurred by it in remodeling and repairing the fishway over the dam of said company in the Merrimack river in said city. The payment of this sum shall not be construed as a waiver or release on the part of the commonwealth of its rights to compel said company to construct and maintain said fishway.

Approved June 23, 1938.

Chap. 75 RESOLVE IN FAVOR OF MARDIROS MOUSIGIAN OF WALTHAM.

Resolved, That there shall be paid to Mardiros Mousigian of Waltham, from the current appropriation for the maintenance of the Metropolitan state hospital, the sum of two hundred and ninety dollars and eighty cents, as reimbursement for payments, over and above the amount of his assets, made to said hospital for his board thereat.

Approved June 23, 1938.

RESOLVE IN FAVOR OF VERNA K. DRABER OF BOURNE. *Chap. 76*

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and after an appropriation has been made therefor, there be allowed and paid from the state treasury to Verna K. Draber of Bourne, the sum of four thousand dollars, to compensate her for the death of her husband, Ervin Draber, who died on June eighth of the current year in consequence of injuries sustained on April twenty-seventh of said year while fighting a forest fire at the Shawme state forest. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said Verna K. Draber that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved June 28, 1938.

RESOLVE IN FAVOR OF THE FATHER OF LEONEL ST. ONGE. *Chap. 77*

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and after an appropriation has been made therefor, there be allowed and paid out of the state treasury to Moise St. Onge of New Bedford, as reimbursement for necessary expenses of the funeral of his son, Leonel St. Onge, who died in March, nineteen hundred and thirty-eight, in consequence of injuries sustained at the Wrentham state school, such sum, not exceeding four hundred dollars, as may be determined by the attorney general. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said Moise St. Onge that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum to be paid hereunder.

Approved June 28, 1938.

RESOLVE IN FAVOR OF THE WIDOW OF FRANCIS C. COMFORT, *Chap. 78*
LATE MEMBER OF THE STATE POLICE.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and subject to appropriation, there be allowed and paid from the state treasury to the widow of Francis C. Comfort, who died on April seventh in the current year in consequence of injuries sustained by him in the performance of duty as a member of the state police, an annuity of nine hundred and sixty dollars, payable in equal monthly instalments, so long as said widow does not remarry. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said widow that the amount, if

any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the amounts to be paid hereunder.

Approved June 28, 1938.

Chap. 79 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL IN THE NORTH AND SOUTH METROPOLITAN SEWER DISTRICTS AND THE CITY OF BOSTON.

Resolved, That a special commission, to consist of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, the state commissioner of public health, the commissioner of the metropolitan district commission, the director of the sewerage division of the metropolitan district commission, the director of the division of sanitary engineering of the state department of public health and the division engineer of the sewer division of the public works department of the city of Boston, is hereby established for the purpose of making an investigation relative to the systems of sewerage and sewage disposal in the north and south metropolitan sewer districts and in the city of Boston with a view to determining the necessity or advisability of making changes in, or additions to, such systems so as to provide more adequate works for the disposal of sewage from said districts and said city, and to otherwise improve said systems. In making said investigation, said special commission shall consider the subject matter of current senate documents numbered seventy-two and two hundred and sixteen, of current house documents numbered forty-seven and one hundred and eighty-seven and of house document numbered sixteen hundred of nineteen hundred and thirty-seven. Said special commission may employ such engineering and other assistants and may incur such expenses as may be necessary to carry out the purposes of this resolve, and for said purposes said special commission may expend such sums, not exceeding, in the aggregate, twenty-five thousand dollars, as may hereafter be appropriated therefor. Said special commission shall report to the general court the results of its investigation hereunder, and its recommendations, together with maps, plans and estimates of the cost of any changes in or additions to existing sewer systems or outlets or sewage disposal works that it may deem necessary or desirable, and drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 28, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE UNEMPLOYMENT COMPENSATION LAW. *Chap. 80*

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making a study of the entire subject of unemployment compensation, with particular reference to contributions by employees and related matters. Said commission shall hold hearings, shall be furnished with quarters in the state house or elsewhere, shall have the power to summons witnesses, require the production of books, records and other papers, and require the giving of testimony under oath. Said commission may expend for expenses, including travel within the commonwealth, and clerical and other assistance, such sums, not exceeding, in the aggregate, two thousand dollars, as may hereafter be appropriated. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year.

Approved June 29, 1938.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO THE USE OF CERTAIN DAMS AND LIKE STRUCTURES IN THE TOWN OF TYNGSBOROUGH. *Chap. 81*

Resolved, That the department of public health is hereby authorized and directed to make an investigation of dams, dikes and other structures on any stream in the town of Tyngsborough, with a view to determining whether the use of any such structure is causing any insanitary condition on the property of Notre Dame Academy in said town, and to make such recommendations as may be necessary or advisable to remedy any such condition. Said department shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 29, 1938.

Chap. 82 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE CIVIL SERVICE LAWS, RULES AND REGULATIONS.

Resolved, That a special unpaid commission, consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and three persons to be appointed by the governor, is hereby established for the purpose of investigating the civil service laws of the commonwealth and the rules and regulations made thereunder, with a view to the revision and codification of said laws, rules and regulations and to the recommending of such changes therein and additions thereto as may appear necessary or desirable. In making its investigation hereunder, said commission shall consider the subject matter of current house documents numbered seventeen hundred and fifteen and seventeen hundred and sixteen.

Said commission shall be provided with quarters in the state house or elsewhere, shall hold such hearings as it may deem expedient, may require by summons the attendance and testimony of witnesses and the production of books and papers and may expend for clerical, expert and other expenses such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated. The commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 29, 1938.

Chap. 83 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE OPERATION, FINANCING AND MAINTENANCE OF THE SUMNER TUNNEL, SO CALLED, IN THE CITY OF BOSTON.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and one person to be appointed by the governor, is hereby established for the purpose of making an investigation of the operation, financing and maintenance of the Sumner Tunnel, so called, in the city of Boston, and related matters. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers; and may expend for clerical and other assistance and expenses such sums, not exceeding, in the aggregate, one thousand dollars, as may hereafter be ap-

propriated. The commission shall report to the general court the results of its investigations and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year. *Approved July 5, 1938.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO PROVIDING ADDITIONAL PENAL INSTITUTIONS AND NECESSARY EQUIPMENT THEREFOR. *Chap. 84*

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of investigating the advisability of providing additional penal institutions and necessary equipment for the housing, care and supervision of the inmates thereof, and for such purpose said commission may expend, for clerical and other assistance, such sums, not exceeding, in the aggregate, two thousand dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry the same into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved July 5, 1938.

RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL CONVENTION OF THE DISABLED AMERICAN VETERANS OF THE WORLD WAR IN THE YEAR NINETEEN HUNDRED AND THIRTY-NINE IN THE EVENT THAT THE SAME BE HELD IN THE CITY OF BOSTON. *Chap. 85*

Resolved, That, in order that the commonwealth may be properly represented on the occasion of the national convention of the Disabled American Veterans of the World War in the year nineteen hundred and thirty-nine, if held in the city of Boston as anticipated, and in such case to ensure, in arranging entertainments and other events in connection therewith, proper co-operation between the Massachusetts department of The Disabled American Veterans of the World War and the commonwealth, there may, if said convention is to be held in said city as aforesaid, be expended, with the approval and under the direction of the governor and council, a sum not exceeding five thousand dollars, the same to be paid from funds appropriated for expenditure under the provisions of section eight of chapter six of the General Laws.

Approved July 15, 1938.

Chap. 86 RESOLVE PROVIDING FOR THE IMPROVEMENT, CARE AND MAINTENANCE OF THE SITE HERETOFORE PURCHASED BY THE COMMONWEALTH FOR A MEMORIAL IN FRANCE TO THE MEN AND WOMEN OF MASSACHUSETTS WHO DIED OVERSEAS DURING THE WORLD WAR.

Resolved, That the adjutant general, acting on behalf of the commonwealth, is hereby authorized to make such arrangements with public authorities in St. Mihiel, France, as he may deem advisable for the improvement, care and maintenance of the site therein heretofore purchased by the commonwealth, under the provisions of chapter four hundred and fifty-five of the acts of nineteen hundred and twenty-two, for the erection of a war memorial to the men and women of Massachusetts who died overseas during the world war.

Approved July 15, 1938.

Chap. 87 RESOLVE PROVIDING FOR THE PRINTING AND SALE OF THE COMPLETE REPORT OF THE SPECIAL COMMISSION ESTABLISHED TO INVESTIGATE THE ACTIVITIES WITHIN THIS COMMONWEALTH OF COMMUNISTIC, FASCIST, NAZI AND OTHER SUBVERSIVE ORGANIZATIONS, SO CALLED.

Resolved, That the clerk of the house of representatives is hereby authorized and directed to cause to be printed five thousand copies of the report of the special commission, established by chapter thirty-two of the resolves of nineteen hundred and thirty-seven and revived and continued by chapter six of the resolves of the current year, for the purpose of investigating the activities within this commonwealth of Communistic, Fascist, Nazi and other subversive organizations, so called, printed as current house document numbered twenty-one hundred. The state secretary shall place said copies on sale at such price per copy, not less than the cost of printing, binding and paper, as shall be fixed by him. For the purposes of this resolve, there may be expended such sums, not exceeding, in the aggregate, two thousand dollars, as may hereafter be appropriated.

Approved July 15, 1938.

Chap. 88 RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL CONVENTION OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES IN THE YEAR NINETEEN HUNDRED AND THIRTY-NINE IN THE EVENT THAT THE SAME IS HELD IN THE CITY OF BOSTON.

Resolved, That, in order that the commonwealth may be properly represented on the occasion of the national convention of the Veterans of Foreign Wars of the United States in the year nineteen hundred and thirty-nine, if held in the city of Boston as anticipated, and in such case to ensure, in arranging entertainments and other events in

connection therewith, proper co-operation between the Massachusetts Department of the Veterans of Foreign Wars of the United States and the commonwealth, there may, after an appropriation to be made in the year nineteen hundred and thirty-nine if said convention is to be held in said city as aforesaid, be expended, with the approval and under the direction of the governor and council, a sum not exceeding thirty thousand dollars. *Approved July 15, 1938.*

RESOLVE VALIDATING THE ACTS OF MARY SPEAD STEWART, *Chap. 89*
FORMERLY OF LOWELL, MASSACHUSETTS, NOW OF CON-
CORD, NEW HAMPSHIRE, AS A NOTARY PUBLIC.

Resolved, That the acts of Mary Spead Stewart, formerly of Lowell, Massachusetts, now of Concord, New Hampshire, as a notary public between July twenty-fourth, nineteen hundred and thirty-seven and June first, nineteen hundred and thirty-eight, both dates inclusive, are hereby confirmed, and made valid to the same extent as if during that time she had been qualified to discharge the duties of said office. *Approved July 16, 1938.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL *Chap. 90*
COMMISSION RELATIVE TO THE OPERATION OF RAILROADS
IN THIS COMMONWEALTH BY THE NEW YORK, NEW HAVEN
AND HARTFORD RAILROAD COMPANY AND ITS SUBSIDIARY
COMPANIES.

Resolved, That an unpaid special commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation of the operation of railroads in this commonwealth by the New York, New Haven and Hartford Railroad Company, the Old Colony Railroad Company, Boston and Providence Railroad Corporation and New England Railroad Company, with a view to determining what action should be taken to prevent the abandonment or curtailment of service by said railroad companies, or any of them, particularly commuting passenger service, so called. Said commission shall, in the course of its investigation, consider the matter of the recent abandonment of eighty-eight railroad stations in the territory served by said companies and determine whether such abandonment was warranted, particularly in view of the total revenue derived by said companies or any of them from freight and passenger railroad service and other sources within the territory where the said abandoned stations are located.

Said commission shall also inquire into all pertinent facts relating to plans submitted by any or all of said railroads,

if any, in connection with proposed reorganizations of any of said railroads.

Said commission may hold hearings and may call upon the department of public utilities and other departments, commissions and officers of the commonwealth for such information as it may desire in the course of its investigation. Said commission shall be provided with quarters in the state house or elsewhere, shall hold public hearings, shall have the power to summon witnesses and to require the production of books, records, contracts and papers and the giving of testimony under oath and may expend for expert, clerical and other services and expenses a sum not exceeding five thousand dollars, which sum is hereby appropriated from the general fund or revenue of the commonwealth. Said commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday in December in the current year. *Approved July 16, 1938.*

Chap. 91 RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION TO BE MADE BY THE SPECIAL UNPAID COMMISSION APPOINTED TO INVESTIGATE RELATIVE TO PROVIDING ADDITIONAL ACCOMMODATIONS AND EQUIPMENT AT THE SOLDIERS' HOME IN MASSACHUSETTS AND CERTAIN RELATED MATTERS.

Resolved, That the special unpaid commission, established by chapter thirty-four of the resolves of the current year to investigate relative to providing additional accommodations and equipment at the Soldiers' Home in Massachusetts and certain related matters, shall, in carrying out its work under said resolve, consider the subject matter of current house document numbered twenty-two hundred and seventeen, being a message of His Excellency the Governor, relative to providing for additional construction at said Soldiers' Home in Massachusetts. If, in the opinion of said commission, additional construction is needed for the purposes of said home, it shall procure plans, specifications and estimates of cost therefor, and for the purpose of procuring the same may expend such sums, not exceeding, in the aggregate, forty-five hundred dollars, as may hereafter be appropriated therefor. Said commission shall transmit to the general court said plans, specifications and estimates of cost, if procured by it as aforesaid, and its recommendations with respect thereto and to the subject matter of said house document, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved August 24, 1938.

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY,
BOSTON, December 1, 1938.

Pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, "The Initiative. II. Initiative Petitions. Section 3" (Article 79 of the Rearrangement of the Constitution), an initiative petition was filed in this office September 14, 1937, signed by ten qualified voters together with the certification of the Attorney General that the measure was in proper form for submission to the people, and the remainder of more than the required number of qualified voters (35,367) was filed December 1, 1937, representing that there was need for legislation, either by the general court or by the people, to provide that in any city or town which accepts its terms, the licensing authorities shall establish free public taxicab stands for the use of all taxicabs and motor vehicles for hire whose owners are licensed within such city or town, and shall abolish all other forms of taxicab stands on any public highway within such city or town, accompanied by a Bill entitled, "An Act with Relation to Public Stands for the Use of Taxicabs and Motor Vehicles for Hire in Cities and Towns."

Initiative petition filed relative to public stands for the use of taxicabs and motor vehicles for hire in cities and towns.

Under date of January 5, 1938, said petition was transmitted by this office to the Clerk of the House of Representatives and was thereby deemed to be introduced and pending in the general court.

The general court at its session of 1938, after due consideration of the petition and its accompanying Bill (House document No. 376) failed to enact the law in the form in which it appeared with the petition, or a law in any form. The committee on transportation of the general court filed a report which was printed as House document No. 2011 for the year 1938.

Said petition was completed by the acceptance in this office July 29, 1938, of a sufficient number (7,325) of additional signatures of qualified voters of the Commonwealth and said law was submitted for approval or disapproval by the people at the state election, November 8, 1938.

Submission to voters.

FREDERIC W. COOK,
Secretary of the Commonwealth.

NUMBER OF ACTS AND RESOLVES APPROVED,
APPROVAL WITHHELD, AND LIST OF ACTS
VETOED BY THE GOVERNOR AND PASSED
OVER HIS VETO AND ACT DECLARED EMER-
GENCY LAW BY THE GOVERNOR UNDER
AUTHORITY OF THE CONSTITUTION.

The general court, during its second annual session held in 1938, passed 498 Acts and 91 Resolves, which received executive approval, and 2 Acts from which executive approval was withheld but have become law by virtue of chapter 1, section 1, Article 2 of the Constitution of the Commonwealth.

The governor returned 22 Acts and 3 Resolves with his objections thereto in writing. Upon 18 of said Acts and all of said Resolves his objections were sustained.

Two (2) Acts entitled, respectively, "An Act to authorize the placing of the office of soldiers' relief agent of the town of Saugus under the civil service laws" (Chapter 267) and "An Act to authorize the placing of the office of superintendent of buildings of the town of Saugus under the civil service laws" (Chapter 290) were passed, but failed to receive executive approval; as, however, they were not returned, with objections thereto, within five days after they had been received in the executive department, the general court not having been prorogued in the meantime, said acts have the force of law, under the provisions of the Constitution governing such cases, and have been so certified.

Eighteen (18) Acts entitled, respectively, "An Act providing for a reduction in number of town meeting members at large in the town of Dedham and that elected town meeting members in said town shall cease to be town meeting members upon their election to certain town offices"; "An Act to authorize the placing of the office of town engineer of the town of Framingham under the civil service laws"; "An Act relative to changes of par value of capital stock of street railway companies"; "An Act relative to the filling of vacancies in the city council of the city of Gardner"; "An Act relative to the election by the city council of the city of Gardner of certain municipal officers and relative to the city solicitor of said city"; "An Act further regulating expenditures by the town of Bourne for municipal advertising purposes"; "An Act relative to the pensions of watchmen in the employ of certain cities and towns"; "An Act providing for state wide verification of voting lists"; "An Act providing that the reporter of decisions of the supreme judicial court shall be appointed by the justices of said court"; "An Act relative to the granting

of certain licenses in the city of Worcester"; "An Act relative to the membership of certain war veterans in the contributory retirement system in the city of Medford"; "An Act to authorize the Trustees of Massachusetts State College to retain and manage in a revolving fund or revolving funds the receipts from student activities"; "An Act providing for the distribution by the commonwealth to its municipalities of a sum of money from the Highway Fund"; "An Act relative to the maintenance costs of certain roads, roadways, parkways and bridges"; "An Act providing relief for persons failing to file in court within the time limited by law their petitions for the assessment of damages for takings or injuries by eminent domain"; "An Act further regulating appointments in the classified civil service"; "An Act making additional appropriations to carry out a public works program for the purpose of alleviating existing conditions resulting from unemployment and providing for the payment by the commonwealth to its municipalities of a portion of the highway fund" in which act Section 5 and the items of appropriation contained therein were disapproved; "An Act providing for the payment by the commonwealth to its municipalities of a portion of the highway fund to enable them to carry out local highway projects for the purpose of alleviating existing conditions resulting from unemployment, and providing for the reconstruction and repair of certain highways and bridges damaged by the recent storm" in which act Sections 1 and 2 and the items of appropriation contained therein were disapproved; and three (3) Resolves entitled, respectively, "Resolve providing for the reimbursement of the estate of Austin C. Adams, late of Orange, for certain inheritance taxes paid to the commonwealth"; "Resolve in favor of L. Fraser Colpitts of Shirley" and "Resolve in favor of the widow of Archibald D. Turner, former member of the police force of the metropolitan district commission" were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, and the vote being taken on their passage, the objections of the governor thereto notwithstanding, they were rejected, and said acts, sections and resolves thereby became void.

Four (4) Acts entitled, respectively, "An Act regulating the employment of certain persons by the department of public works" (Chapter 67); "An Act relative to the use of Lake Cochituate in the towns of Framingham and Wayland for boating and fishing" (Chapter 318); "An Act to revive Myles Standish Mutual Liability Insurance Company" (Chapter 412) and "An Act relative to the practice of optometry" (Chapter 434) were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the constitution, and the vote being taken on their passage,

the objections of the governor thereto notwithstanding, they were passed, and said acts have thereby the force of law.

One (1) Act entitled, "An Act providing that the commissioner of insurance shall require of newly organized domestic insurance companies certain affidavits prior to granting to them certificates of authority to issue insurance policies or contracts" (Chapter 357) was declared to be an emergency law by the governor in accordance with the provisions of the forty-eighth amendment to the Constitution "The Referendum. II. Emergency Measures". Said Chapter 357 thereby took effect at 2.35 P.M. on May 26, 1938.

The general court was prorogued on Wednesday, August 24, 1938, at five minutes past four o'clock P.M., the session having occupied 232 days.

ACTS AND RESOLVE

PASSED BY THE

General Court of Massachusetts

AT AN

EXTRA SESSION, 1938

CONVENED ON WEDNESDAY, THE TWENTY-SIXTH DAY OF
OCTOBER, AND ADJOURNED ON FRIDAY, THE
TWENTY-EIGHTH DAY OF OCTOBER, 1938

ACTS, EXTRA SESSION, 1938.

AN ACT PROVIDING FUNDS FOR HIGHWAY WORK MADE NECESSARY BY THE RECENT HURRICANE AND FLOODS. Chap. 505

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience. Emergency preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for highway work made necessary by the recent hurricane and floods, the sums set forth in section two of this act, for the several purposes and subject to the conditions therein specified, are hereby made available from the receipts from the sale of bonds, notes or other forms of written acknowledgment of debt, as authorized by section three, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Item

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| A. For the construction, reconstruction and repair of town and county ways, a sum not exceeding eight million seven hundred and fifty thousand dollars, out of which all liabilities incurred on account of the hurricane and flood emergency by the department of public works for any of the purposes set forth in item six hundred and fifty-three of chapter three hundred and fifty-six of the acts of nineteen hundred and thirty-eight, under authority of prior written approval of the governor and council, shall be met | \$8,750,000 00 |
| B. For the maintenance, reconstruction and repair of state highways, a sum not exceeding five million five hundred thousand dollars, out of which all liabilities incurred on account of the hurricane and flood emergency by the department of public works for any of the purposes set forth in item six hundred and fifty-five of chapter three hundred and fifty-six of the acts of nineteen hundred and thirty-eight, under authority of prior written approval of the governor and council, shall be met | 5,500,000 00 |

SECTION 3. For the purposes of this act, the state treasurer, upon the request of the commissioner of public works, shall borrow on the credit of the commonwealth such sums, not

exceeding, for work specified in Items A and B, respectively, of section two, the amount authorized hereby to be expended therefor, and not exceeding, in the aggregate, fourteen million, two hundred and fifty thousand dollars, as may from time to time be required and shall issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued hereunder shall become due not later than five years from the date of the obligations of such series.

All obligations issued under this act shall be signed by the state treasurer and approved by the governor.

All interest payments and payments on account of principal on such obligations shall be paid from the Highway Fund; provided, that, notwithstanding the foregoing, such obligations shall be general obligations of the commonwealth.

SECTION 4. Contracts for the hire of motor trucks for use in carrying out work authorized by this act shall be made by the department of public works only with the owners of such trucks and payments for the hire of such trucks shall be made directly to said owners.

Approved October 28, 1938.

Chap. 506 AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO MAKE CERTAIN IMPROVEMENTS IN RIVERS AND STREAMS MADE NECESSARY BY HURRICANE OR FLOOD.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to protect persons, property and public ways against flood and other damage which may result from the accumulations of fallen trees, debris and other obstructions in streams on private property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The department of public works, in this act called the department, may remove fallen trees, debris and other obstructions in rivers and streams resulting from hurricane or flood and may restore or repair dams or other structures in rivers or streams, the destruction of or injury to which may have increased the danger of flood therein, and for the purpose of protection against flood may alter the course or deepen or widen the channel of any river or stream, may conduct any surface or ground water into the same, may

build retaining walls to support any part of the banks thereof, and may enter on private land for any of the foregoing purposes.

SECTION 2. If it becomes necessary for any of the purposes of section one, the department may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, lands, easements, rights of way, water rights and other property, in or on any river or stream and may in like manner so take or otherwise acquire lands, easements, rights of way, water rights and other property required by any alteration of the course of any river or stream. Whenever the property of any person has been appropriated to the public use by the department under authority hereof, damages may be recovered therefor from the commonwealth under the provisions of chapter seventy-nine of the General Laws.

SECTION 3. For the purposes of this act, including the payment for advisory hydraulic engineering services and land damages, if any, there may be expended, from funds provided under the following section, sums not exceeding in the aggregate one million dollars.

SECTION 4. For the purposes of this act, the state treasurer, upon the request of the commissioner of public works, shall borrow on the credit of the commonwealth such sums, not exceeding, in the aggregate, one million dollars, as may from time to time be required and shall issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued hereunder shall become due not later than five years from the date of the obligations of such series.

All obligations issued under this act shall be signed by the state treasurer and approved by the governor.

All interest payments and payments on account of principal on such obligations shall be paid from the General Fund or ordinary revenue of the commonwealth.

SECTION 5. The authority granted to the department by this act shall expire when the sum hereby made available has been expended; provided, that if any part of said sum remains unexpended on October thirty-first, nineteen hundred and thirty-nine, the authority hereby granted shall expire on said date.

Approved October 28, 1938.

Chap.507 AN ACT PROVIDING FUNDS FOR ADDITIONAL EMERGENCY WORK MADE NECESSARY BY THE RECENT HURRICANE AND FLOODS.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

PART I.

SECTION 1. To provide for the repair, reconstruction and replacement of buildings and other property, including the removal of fallen trees, under the control of state departments hereinafter specified made necessary by the recent hurricane and floods, the sums set forth in section two of Part I of this act, for the several purposes and subject to the conditions therein specified, are hereby made available from the receipts from the sale of bonds, notes or other forms of written acknowledgment of debt, as authorized by section four of said Part I, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Service of Militia.

Item	
131a	Adjutant General, including expenses of Massachusetts National Guard \$321,900 00

Service of Soldiers' Home in Massachusetts.

163b	Soldiers' Home in Massachusetts 12,000 00
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Service of State Superintendent of Buildings.

191a	State superintendent of buildings 3,000 00
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Service of Department of Agriculture.

266a	Buildings 3,300 00
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Service of Department of Conservation.

281a	Forestry \$50,000 00
281b	Forest fire service 123,000 00
281c	Recreation areas 90,000 00
288a	Parks 67,000 00
294a	Enforcement of laws 2,678 00
302b	Propagation of birds and game 98,422 00
312a	Marine fisheries 4,000 00

Service of Department of Education.

385b	Bridgewater state teachers' college 54,034 56
387b	Fitchburg state teachers' college 89,426 90
389a	Framingham state teachers' college 155,685 38
392a	Lowell state teachers' college 7,938 34
395c	Salem state teachers' college 28,233 10
397b	Westfield state teachers' college 11,887 90
398a	Worcester state teachers' college 87,639 74
411b	Massachusetts state college 55,000 00

Service of Department of Mental Health.

Item		
483c	Boston state hospital	\$14,000 00
487a	Danvers state hospital	37,800 00
492c	Foxborough state hospital	34,600 00
494a	Gardner state hospital	88,600 00
496a	Grafton state hospital	42,300 00
501c	Medfield state hospital	53,400 00
506b	Northampton state hospital	14,600 00
509b	Taunton state hospital	7,800 00
511b	Westborough state hospital	94,700 00
517c	Worcester state hospital	216,000 00
522c	Monson state hospital	203,900 00
525b	Belchertown state school	40,900 00
527b	Walter E. Fernald state school	100,000 00
528b	Wrentham state school	34,300 00

Service of Department of Correction.

541	State farm	1,000 00
542	State prison	22,200 00
543	Massachusetts reformatory	45,700 00
546a	Reformatory for women	28,600 00
549a	State prison colony	7,500 00

Service of Department of Public Welfare.

567a	Robbins farm	200 00
576a	Industrial school for boys	25,400 00
577a	Industrial school for girls	9,300 00
579a	Lyman school for boys	16,400 00
580a	Massachusetts hospital school	12,200 00
583a	State infirmary	27,500 00

Service of Department of Public Health.

605a	Sanitary engineering	6,069 00
616a	Rutland state sanatorium	5,400 00

Service of Department of Public Safety.

629a	State police	15,900 00
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Service of Department of Public Works.

665a	Waterways, outside of the Port of Boston	143,000 00
678a	Waterways, within the Port of Boston	18,000 00

\$3,432,414 92

SECTION 3. Of the sum of eight hundred and fifty thousand dollars made available by Item 281a of section two not more than three hundred and sixty thousand dollars shall be expended to meet liabilities incurred, by authority of prior written approval of the governor and council, under contracts heretofore awarded on the cost plus twenty per cent basis, four hundred and forty thousand dollars may be expended to meet liabilities to be hereafter incurred under contracts awarded by authority of Part I of this act and fifty thousand dollars may be expended to meet liabilities to be incurred hereunder for necessary work at nurseries and

for other incidental expenses; provided, that no contracts shall hereafter be awarded by authority of said Part I on any cost plus basis exceeding cost plus ten per cent.

Of the total sums made available by Items four hundred and ninety-four a, five hundred and one c, five hundred and six b, five hundred and nine b, five hundred and eleven b, five hundred and twenty-two c, five hundred and twenty-five b, five hundred and twenty-seven b and five hundred and twenty-eight b, not more than one hundred and twenty-five thousand dollars shall be expended to meet liabilities incurred under authority of prior written approval of the governor and council under contracts heretofore awarded on the cost plus twenty per cent basis, and the sum of one hundred and seventy-five thousand dollars may be expended to meet liabilities to be incurred by authority of Part I of this act; provided, that no contracts shall hereafter be awarded under authority of said Part I on any cost plus basis exceeding cost plus ten per cent.

SECTION 4. For the purposes of Part I of this act, the state treasurer, upon the request of the department heads having charge of the work authorized by section two of Part I of this act, shall borrow on the credit of the commonwealth such sums, not exceeding, for work specified in the respective items of said section two, the amount authorized hereby to be expended therefor, and not exceeding, in the aggregate, three million, four hundred thirty-two thousand, four hundred and fifteen dollars, as may from time to time be required and shall issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued hereunder shall become due not later than five years from the date of the obligations of such series.

All obligations issued under Part I of this act shall be signed by the state treasurer and approved by the governor.

All interest payments and payments on account of principal on such obligations shall be paid from the general fund or ordinary revenue of the commonwealth.

PART II.

SECTION 5. To provide for the repair, reconstruction and replacement of buildings and other property, including the removal of fallen trees, under the control of the metropolitan district commission made necessary by the recent hurricane and floods, the sums set forth in section six of Part II of this act, for the several purposes therein specified, are hereby

made available from the receipts from the sale of bonds, notes or other forms of written acknowledgment of debt, as authorized by section seven of said Part II, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 6.

Service of the Metropolitan District Commission.

Item		
727e	Metropolitan parks district	\$650,000 00
735a	Metropolitan water district	100,000 00

SECTION 7. For the purposes of Part II of this act, the state treasurer, upon the request of the metropolitan district commission shall borrow on the credit of the commonwealth such sums, not exceeding, in the aggregate, seven hundred and fifty thousand dollars, as may from time to time be required and shall issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued hereunder shall become due not later than five years from the date of the obligations of such series.

All obligations issued under Part II of this act shall be signed by the state treasurer and approved by the governor.

All interest payments and payments on account of principal on such obligations shall be paid from the general fund or ordinary revenue of the commonwealth.

Approved October 28, 1938.

RESOLVE, EXTRA SESSION, 1938.

Chap. 92 RESOLVE PROVIDING FOR A STUDY AND INVESTIGATION BY A SPECIAL COMMISSION OF MATTERS RELATING TO THE RECENT HURRICANE AND FLOODS.

Whereas, The General Court, deeply mindful of the recent disaster which caused great loss of life and damage to property throughout the commonwealth, has received from His Excellency the Governor a report of the Massachusetts Emergency Relief Commission, so called, a body created by the governor and council to act during the emergency; and

Whereas, Said report contains certain recommendations which require the most sympathetic and careful consideration; and

Whereas, Many further problems, financial or otherwise, pertaining to the disaster may be deserving of consideration by the session of the General Court which assembles in January, and a preliminary study thereof might expedite legislative action thereon; therefore be it

Resolved, That an unpaid special commission, to consist of three members of the senate to be designated by the president thereof, seven members of the house of representatives to be designated by the speaker thereof, three persons to be appointed by the governor, and also the adjutant general, the commissioner of public works and the chairman of the commission on administration and finance, comprising said Massachusetts Emergency Relief Commission, is hereby established for the purpose of making a thorough study of the recommendations contained in the report of said Massachusetts Emergency Relief Commission, and also to investigate and consider all matters relating to flood control and rehabilitation of industries with respect to which legislative action may be deemed necessary or advisable. The commission created by this resolve shall be provided with quarters in the state house or elsewhere, shall hold such hearings in the state house or elsewhere as it may deem expedient, may expend for expenses the sum of five thousand dollars, which sum is hereby appropriated from the general fund or revenue of the commonwealth, and shall report to the general court the results of its study and investigation, and its recommendations, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of January in the year nineteen hundred and thirty-nine.

Approved October 28, 1938.

NOTE.

The general court of 1938 during its extra session passed three Acts and one Resolve, which received executive approval.

The general court was prorogued on Friday, October 28, 1938, at twenty minutes past ten o'clock P.M., the session having occupied three days.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-eight.

Chap. 508 AN ACT WITH RELATION TO PUBLIC STANDS FOR THE USE OF TAXICABS AND MOTOR VEHICLES FOR HIRE IN CITIES AND TOWNS.

Be it enacted by the People and by their Authority:

In any city which accepts the provisions of this act by vote of its city council, or in any town which accepts the provisions of this act by a majority vote of the qualified voters present and voting at an annual town meeting, the licensing authorities for licensing taxicabs and motor vehicles for hire shall establish, for the use of taxicabs and motor vehicles for hire licensed within such city or town, public taxicab stands on any public highway within such city or town, and shall abolish all other taxicab stands on any public highway within such city or town. Such public taxicab stands shall be free and accessible to all taxicabs and motor vehicles for hire whose owners are licensed by said licensing authorities.

OFFICE OF THE SECRETARY, BOSTON, December 1, 1938.

I hereby certify that the foregoing law entitled "An Act with Relation to Public Stands for the Use of Taxicabs and Motor Vehicles for Hire in Cities and Towns" was approved by the People at the State Election held on November 8, 1938, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

F. W. COOK,
Secretary of the Commonwealth.

RETURN OF VOTES ON QUESTION NO. 1, BEING AN INITIATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 8, 1938.

Votes on Question No. 1 — Proposed Amendment to the Constitution.

Shall an amendment to the Constitution providing for biennial sessions of the General Court and for a biennial budget which is further described as follows: —

This amendment annuls all existing provisions of the Constitution and its prior amendments which require annual sessions of the General Court, commonly known as the Legislature, and provides for biennial sessions in their place. It also provides that the budget of all proposed expenditures of the Commonwealth shall be so prepared as to cover two fiscal years instead of only one as at present required, — which proposed amendment was approved by the General Court and in a joint session of the two branches held May 27, 1936, received 141 votes in the affirmative and 117 in the negative, and in a joint session of the two branches held May 19, 1937, received 158 votes in the affirmative and 112 in the negative, — be approved?

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	1,306	832	1,452	3,590
Bourne	485	294	518	1,297
Brewster	161	115	146	422
Chatham	329	258	404	991
Dennis	315	296	402	1,013
Eastham	97	86	128	311
Falmouth	866	399	950	2,215
Harwich	403	318	346	1,067
Mashpee	46	18	110	174
Orleans	306	182	288	776
Provincetown	462	272	745	1,479
Sandwich	259	184	284	727
Truro	104	77	110	291
Wellfleet	132	98	231	461
Yarmouth	408	262	319	989
Totals	5,679	3,691	6,433	15,803

County of Berkshire.

Adams	1,526	800	2,415	4,741
Alford	28	14	46	88
Becket	112	61	99	272
Cheshire	271	107	283	661
Clarksburg	167	92	278	537
Dalton	774	527	715	2,016
Egremont	110	61	109	280
Florida	45	53	65	163
Great Barrington	867	505	1,161	2,533
Hancock	54	51	70	175
Hinsdale	206	99	205	510
Lanesborough	212	158	236	606
Lee	594	353	827	1,774
Lenox	457	222	557	1,236
Monterey	54	33	54	141

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Mount Washington	8	14	12	34
New Ashford	11	5	33	49
New Marlborough	122	83	159	364
NORTH ADAMS	2,673	1,523	4,036	8,232
Otis	54	41	74	169
Peru	17	16	28	61
PITTSFIELD	8,241	4,599	7,681	20,521
Richmond	105	58	85	248
Sandisfield	59	29	59	147
Savoy	25	36	64	125
Sheffield	240	195	229	664
Stockbridge	306	188	309	803
Tyringham	37	25	—	62
Washington	39	26	48	113
West Stockbridge	163	95	218	476
Williamstown	683	381	716	1,780
Windsor	39	31	59	129
Totals	18,299	10,481	20,930	49,710

County of Bristol.

Acushnet	537	250	607	1,394
ATTLEBORO	3,446	1,982	3,348	8,776
Berkley	159	85	199	443
Dartmouth	1,186	581	1,203	2,970
Dighton	408	227	458	1,093
Easton	1,102	577	955	2,634
Fairhaven	1,811	797	1,828	4,436
FALL RIVER	15,304	10,893	16,936	43,133
Freetown	255	156	259	670
Mansfield	1,099	668	1,102	2,869
NEW BEDFORD	16,610	9,463	15,695	41,768
North Attleborough	1,450	991	2,142	4,583
Norton	486	284	435	1,205
Raynham	281	240	372	893
Rehoboth	363	239	435	1,037
Seekonk	720	393	504	1,617
Somerset	756	591	940	2,287
Swansea	615	458	704	1,777
TAUNTON	4,931	2,994	7,072	14,997
Westport	677	329	754	1,760
Totals	52,196	32,198	55,948	140,342

County of Dukes County.

Chilmark	41	40	50	131
Edgartown	211	104	338	653
Gay Head	7	12	129	148
Gosnold	11	27	17	55
Oak Bluffs	293	152	329	774
Tisbury	273	201	313	787
West Tisbury	50	37	44	131
Totals	886	573	1,220	2,679

County of Essex.

Amesbury	1,743	977	1,980	4,700
Andover	2,251	1,141	2,032	5,424
BEVERLY	4,046	3,428	4,214	11,688
Boxford	164	95	94	353
Danvers	2,021	1,278	1,896	5,195
Essex	276	162	369	807
Georgetown	294	290	415	999
GLOUCESTER	3,220	1,728	3,800	8,748
Groveland	356	307	442	1,105
Hamilton	402	268	456	1,126
HAVERHILL	6,585	5,544	7,774	19,903
Ipswich	925	575	1,091	2,591
LAWRENCE	12,948	8,656	14,241	35,845

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
LYNN	17,970	10,277	14,162	42,409
Lynnfield	574	321	364	1,259
Manchester	566	295	459	1,320
Marblehead	2,462	1,546	1,740	5,748
Merrimac	410	364	445	1,219
Methuen	3,767	1,963	4,051	9,781
Middleton	396	190	170	756
Nahant	406	276	366	1,048
Newbury	305	185	293	783
NEWBURYPORT	2,375	1,208	2,960	6,543
North Andover	1,544	836	1,485	3,865
PEABODY	3,448	1,707	3,968	9,123
Rockport	749	383	774	1,906
Rowley	241	192	305	738
SALEM	7,829	3,979	7,636	19,444
Salisbury	489	256	479	1,224
Saugus	2,730	1,780	2,096	6,606
Swampscott	2,597	1,402	1,507	5,506
Topsfield	247	150	174	571
Wenham	276	197	196	669
West Newbury	229	205	283	717
Totals	84,841	52,161	82,717	219,719

County of Franklin.

Ashfield	97	80	159	333
Bernardston	152	79	188	418
Buckland	193	121	325	636
Charlemont	113	105	169	389
Colrain	245	113	237	599
Conway	127	90	156	377
Deerfield	438	263	497	1,195
Erving	176	88	256	520
Gill	109	94	165	368
Greenfield	2,815	1,499	2,522	6,836
Hawley	26	20	36	82
Heath	26	35	46	107
Leverett	80	40	80	200
Leyden	36	19	47	102
Monroe	28	19	32	79
Montague	1,172	488	1,379	3,039
New Salem	65	56	69	190
Northfield	315	220	235	770
Orange	815	516	1,032	2,363
Rowe	44	21	49	114
Shelburne	286	200	339	825
Shutesbury	19	37	32	88
Sunderland	186	71	110	367
Warwick	61	41	89	191
Wendell	26	21	81	128
Whately	135	64	195	394
Totals	7,785	4,400	8,525	20,710

County of Hampden.

Agawam	1,112	529	1,081	2,722
Blandford	66	51	82	199
Brimfield	169	75	143	387
Chester	196	107	207	510
CHICOPEE	6,035	3,629	6,822	16,486
East Longmeadow	568	371	434	1,373
Granville	91	52	135	278
Hampden	181	127	154	462
Holland	37	24	38	99
HOLYOKE	8,354	5,780	10,072	24,206
Longmeadow	1,210	764	595	2,569
Ludlow	1,155	474	939	2,568
Monson	676	305	727	1,708
Montgomery	30	19	26	75
Palmer	1,431	691	1,497	3,619
Russell	198	109	210	517
Southwick	198	103	201	502

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
SPRINGFIELD	23,962	14,629	19,135	57,726
Tolland	31	8	25	64
Wales	82	32	71	185
West Springfield	3,200	1,567	2,055	6,822
WESTFIELD	3,173	1,726	2,522	7,421
Wilbraham	528	298	335	1,161
Totals	52,683	31,470	47,506	131,659

County of Hampshire.

Amherst	1,324	739	762	2,825
Belchertown	336	267	397	970
Chesterfield	59	66	76	201
Cummington	111	70	118	299
Easthampton	1,290	733	1,833	3,856
Goshen	39	31	53	123
Granby	177	91	148	416
Hadley	278	159	283	720
Hatfield	267	107	376	750
Huntington	212	99	313	624
Middlefield	39	12	40	91
NORTHAMPTON	3,388	2,573	3,737	9,698
Pelham	65	48	76	189
Plainfield	38	22	61	121
South Hadley	1,242	749	1,134	3,125
Southampton	162	102	130	394
Ware	954	402	1,455	2,811
Westhampton	44	41	58	143
Williamsburg	295	211	380	886
Worthington	95	45	92	232
Totals	10,415	6,537	11,522	28,474

County of Middlesex.

Acton	575	360	433	1,368
Arlington	7,679	5,166	5,177	18,022
Ashby	180	75	117	372
Ashland	585	286	471	1,342
Ayer	519	217	540	1,276
Bedford	421	260	325	1,007
Belmont	5,820	3,393	3,370	12,583
Billerica	1,261	808	999	3,068
Boxborough	79	37	48	164
Burlington	356	302	320	978
CAMBRIDGE	18,057	13,325	14,898	46,280
Carlisle	172	61	103	336
Chelmsford	1,443	829	1,107	3,379
Concord	1,483	895	962	3,340
Draeut	1,158	477	969	2,604
Dunstable	71	42	85	198
EVERETT	7,846	5,046	5,576	18,468
Framingham	4,211	2,060	3,424	9,695
Groton	559	237	544	1,340
Holliston	574	340	577	1,491
Hopkinton	548	234	482	1,264
Hudson	1,426	619	1,324	3,369
Lexington	2,372	1,393	1,339	5,104
Lincoln	349	250	250	849
Littleton	357	149	240	746
LOWELL	16,569	9,180	15,580	41,335
MALDEN	9,789	6,108	7,060	22,957
MARLBOROUGH	2,716	1,779	3,091	7,586
Maynard	1,167	605	1,173	2,945
MEDFORD	11,129	6,710	9,126	26,965
MELROSE	6,134	3,211	3,220	12,565
Natick	2,702	1,657	2,512	6,871
NEWTON	17,050	8,713	7,521	33,284
North Reading	500	330	373	1,203
Pepperell	572	269	559	1,400
Reading	2,305	1,407	1,452	5,164
Sherborn	205	104	165	474
Shirley	439	130	297	866

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
SOMERVILLE	17,111	10,798	13,460	41,369
Stoneham	1,970	1,157	1,677	4,804
Stow	232	116	172	520
Sudbury	373	224	218	815
Tewksbury	558	303	447	1,308
Townsend	421	170	354	945
Tyngsborough	299	130	233	662
Wakefield	2,800	2,069	2,594	7,463
WALTHAM	6,904	4,389	5,962	17,255
Watertown	7,376	3,712	4,235	15,323
Wayland	671	414	514	1,599
Westford	585	248	573	1,406
Weston	956	600	378	1,934
Wilmington	748	417	548	1,713
Winchester	3,349	1,542	1,787	6,678
WOBURN	3,906	2,031	2,835	8,772
Totals	177,637	105,390	131,797	414,824

County of Nantucket.

Nantucket	389	281	832	1,502
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County of Norfolk.

Avon	482	243	359	1,084
Bellingham	455	218	594	1,267
Braintree	3,642	2,117	2,454	8,213
Brookline	10,691	6,127	6,601	23,419
Canton	1,242	667	1,025	2,934
Cohasset	702	386	628	1,716
Dedham	3,248	1,638	2,268	7,154
Dover	326	162	216	704
Foxborough	832	642	794	2,268
Franklin	1,160	602	1,363	3,125
Holbrook	628	369	671	1,668
Medfield	476	259	421	1,156
Medway	597	292	604	1,493
Millis	364	213	455	1,032
Milton	4,360	2,882	2,670	9,852
Needham	2,749	1,442	1,793	5,984
Norfolk	246	210	221	677
Norwood	2,957	1,502	2,163	6,622
Plainville	259	194	297	750
QUINCY	13,166	9,296	9,971	32,433
Randolph	1,378	704	1,377	3,459
Sharon	780	527	533	1,810
Stoughton	1,578	792	1,268	3,638
Walpole	1,465	723	1,030	3,218
Wellesley	3,448	1,781	1,444	6,673
Westwood	641	442	453	1,536
Weymouth	3,896	2,449	3,403	9,748
Wrentham	451	329	413	1,193
Totals	62,159	37,208	45,489	144,856

County of Plymouth.

Abington	1,090	588	1,088	2,766
Bridgewater	1,158	636	911	2,705
BROCKTON	11,284	7,302	10,497	29,083
Carver	123	103	192	418
Duxbury	504	280	325	1,109
East Bridgewater	594	403	639	1,636
Halifax	171	122	101	394
Hanover	476	258	467	1,201
Hanson	405	209	398	1,012
Hingham	1,641	969	972	3,582
Hull	590	300	446	1,336
Kingston	432	256	499	1,187
Lakeville	251	152	264	667

County of Plymouth — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Marion	297	191	328	816
Marshfield	576	351	334	1,261
Mattapoisett	279	125	271	675
Middleborough	1,260	968	1,503	3,731
Norwell	341	234	308	883
Pembroke	294	212	217	723
Plymouth	1,783	1,131	2,174	5,088
Plympton	89	65	92	246
Rochester	140	97	163	400
Rockland	1,469	809	1,798	4,076
Scituate	927	485	773	2,185
Wareham	575	946	744	2,265
West Bridgewater	518	343	412	1,273
Whitman	1,407	917	1,550	3,874
Totals	28,674	18,452	27,466	74,592

County of Suffolk.

BOSTON	140,876	70,098	100,848	311,822
CHELSEA	5,434	2,714	5,764	13,912
REVERE	6,735	3,153	4,985	14,873
Winthrop	3,708	2,145	2,466	8,319
Totals	156,753	78,110	114,063	348,926

County of Worcester.

Ashburnham	414	154	345	913
Athol	1,618	986	1,749	4,353
Auburn	1,197	476	951	2,624
Barre	563	189	576	1,328
Berlin	220	103	151	474
Blackstone	580	735	612	1,927
Bolton	155	88	87	330
Boylston	256	93	174	523
Brookfield	228	115	233	576
Charlton	403	146	291	840
Clinton	2,633	956	2,432	6,021
Douglas	451	169	349	969
Dudley	676	215	764	1,655
East Brookfield	159	62	143	364
FITCHBURG	7,484	3,014	6,296	16,794
GARDNER	3,035	1,160	3,141	7,336
Grafton	1,045	442	1,298	2,785
Hardwick	352	107	389	848
Harvard	259	119	142	520
Holden	927	379	476	1,782
Hopedale	648	322	527	1,497
Hubbardston	138	74	128	340
Lancaster	470	251	399	1,120
Leicester	915	299	728	1,942
LEOMINSTER	3,886	1,569	3,116	8,571
Lunenburg	441	182	290	913
Mendon	237	134	193	564
Milford	1,831	926	3,415	6,172
Millbury	1,142	480	1,292	2,914
Millville	250	93	493	836
New Braintree	57	27	48	132
North Brookfield	479	191	463	1,133
Northborough	511	221	347	1,079
Northbridge	1,964	859	1,549	4,372
Oakham	62	34	84	180
Oxford	734	246	714	1,694
Paxton	170	70	103	343
Petersham	154	90	133	377
Phillipston	59	36	71	166
Princeton	146	51	129	326
Royalston	105	87	98	290
Rutland	324	147	213	684
Shrewsbury	1,462	531	986	2,979
Southborough	409	217	327	953
Southbridge	2,445	777	2,712	5,934

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Spencer	1,176	322	1,397	2,895
Sterling	393	159	239	791
Sturbridge	262	92	281	635
Sutton	510	194	360	1,064
Templeton	617	280	591	1,488
Upton	376	194	472	1,042
Uxbridge	1,200	430	1,139	2,769
Warren	588	194	626	1,408
Webster	2,230	677	2,550	5,457
West Boylston	426	165	305	896
West Brookfield	262	110	220	592
Westborough	1,103	460	775	2,338
Westminster	259	131	192	582
Winchendon	920	450	905	2,275
WORCESTER	37,618	14,702	26,731	79,051
Totals	89,634	36,182	75,940	201,756

Aggregate of Votes.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	5,679	3,691	6,433	15,803
BERKSHIRE	18,299	10,481	20,930	49,710
BRISTOL	52,196	32,198	55,948	140,342
DUKES COUNTY	886	573	1,220	2,679
ESSEX	84,841	52,161	82,717	219,719
FRANKLIN	7,785	4,400	8,525	20,710
HAMPDEN	52,683	31,470	47,506	131,659
HAMPSHIRE	10,415	6,537	11,522	28,474
MIDDLESEX	177,637	105,390	131,797	414,824
NANTUCKET	389	281	832	1,502
NORFOLK	62,159	37,208	45,489	144,856
PLYMOUTH	28,674	18,452	27,466	74,592
SUFFOLK	156,753	78,110	114,063	348,926
WORCESTER	89,634	36,182	75,940	201,756
Totals	748,030	417,134	630,388	1,795,552

RETURN OF VOTES ON QUESTION NO. 2, BEING AN INITIATIVE PETITION FOR A LAW, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 8, 1938.

Votes on Question No. 2 — Law Proposed by Initiative Petition.

Shall the proposed measure which provides that in any city or town which accepts its terms, the licensing authorities shall establish free public taxicab stands for the use of all taxicabs and motor vehicles for hire whose owners are licensed within such city or town, and shall abolish all other forms of taxicab stands on any public highway within such city or town, — which was disapproved in the House of Representatives by a vote of 96 in the affirmative and 109 in the negative and in the Senate by a vote of 4 in the affirmative and 35 in the negative, — be approved?

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	924	1,302	1,354	3,580
Bourne	356	416	525	1,297
Brewster	108	137	177	422
Chatham	242	342	407	991
Dennis	229	390	394	1,013
Eastham	79	102	130	311
Falmouth	535	748	932	2,215
Harwich	268	451	348	1,067
Mashpee	39	29	106	174
Orleans	207	291	278	776
Provincetown	433	361	685	1,479
Sandwich	186	227	314	727
Truro	101	84	106	291
Wellfleet	99	143	219	461
Yarmouth	267	420	302	989
Totals	4,073	5,443	6,277	15,793

County of Berkshire.

Adams	1,459	1,138	2,144	4,741
Alford	13	25	50	88
Becket	64	90	118	272
Cheshire	205	150	306	661
Clarksburg	135	128	274	537
Dalton	569	676	771	2,016
Egremont	56	93	131	280
Florida	39	56	68	163
Great Barrington	583	763	1,187	2,533
Hancock	42	47	86	175
Hinsdale	154	135	221	510
Lauesborough	189	180	237	606
Lee	455	455	864	1,774
Lenox	329	318	589	1,236
Monterey	25	50	66	141
Mount Washington	11	8	15	34
New Ashford	7	8	34	49
New Marlborough	76	101	187	364
NORTH ADAMS	2,373	2,090	3,769	8,232
Otis	45	49	75	169
Peru	21	10	30	61
PITTSFIELD	7,281	6,575	6,065	20,521
Richmond	54	96	98	248
Sandisfield	46	39	62	147
Savoy	17	47	61	125
Sheffield	166	234	264	664
Stockbridge	185	281	337	803
Tyringham	22	36	—	58

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Washington	21	38	54	113
West Stockbridge	109	114	253	476
Williamstown	414	587	779	1,780
Windsor	23	33	73	129
Totals	15,188	14,650	19,868	49,706

County of Bristol.

Acushnet	498	333	563	1,394
ATTLEBORO	2,840	2,727	3,209	8,776
Berkley	124	127	192	443
Dartmouth	908	916	1,146	2,970
Dighton	308	326	459	1,093
Easton	829	880	925	2,634
Fairhaven	1,295	1,431	1,710	4,436
FALL RIVER	14,163	14,979	13,991	43,133
Freetown	188	221	261	670
Mansfield	939	929	1,001	2,869
NEW BEDFORD	14,507	13,624	13,657	41,768
North Attleborough	1,245	1,192	2,144	4,581
Norton	377	389	439	1,205
Raynham	212	309	372	893
Rehoboth	254	343	440	1,037
Seekonk	551	520	546	1,617
Somerset	589	776	922	2,287
Swansea	481	657	639	1,777
TAUNTON	4,174	4,677	6,146	14,997
Westport	569	446	745	1,760
Totals	45,051	45,802	49,487	140,340

County of Dukes County.

Chilmark	20	38	73	131
Edgartown	149	160	344	653
Gay Head	9	10	125	144
Gosnold	15	25	15	55
Oak Bluffs	233	198	343	774
Tisbury	182	274	331	787
West Tisbury	19	51	61	131
Totals	627	756	1,292	2,675

County of Essex.

Amesbury	1,853	1,166	1,681	4,700
Andover	1,805	1,921	1,698	5,424
BEVERLY	3,875	4,130	3,683	11,688
Boxford	67	175	111	353
Danvers	1,797	1,726	1,672	5,195
Essex	204	246	357	807
Georgetown	206	362	431	999
GLOUCESTER	2,680	2,876	3,192	8,748
Groveland	310	363	432	1,105
Hamilton	371	369	386	1,126
HAVERHILL	6,382	7,384	6,137	19,903
Ipswich	818	757	1,016	2,591
LAWRENCE	13,248	9,200	13,397	35,845
LYNN	17,704	13,740	10,965	42,409
Lynnfield	366	549	344	1,259
Manchester	378	541	401	1,320
Marblehead	1,662	2,608	1,478	5,748
Merrimac	340	435	444	1,219
Methuen	3,336	2,664	3,781	9,781
Middleton	267	233	256	756
Nahant	418	378	252	1,048
Newbury	174	299	310	783
NEWBURYPORT	2,276	1,686	2,581	6,543
North Andover	1,236	1,194	1,435	3,865

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
PEABODY	3,423	2,189	3,511	9,123
Rockport	455	754	697	1,906
Rowley	206	207	325	738
SALEM	7,618	5,817	6,029	19,464
Salisbury	425	331	468	1,224
Saugus	2,654	2,265	1,687	6,606
Swampscott	1,691	2,639	1,176	5,506
Topsfield	172	223	176	571
Wenham	173	314	182	669
West Newbury	148	279	290	717
Totals	78,738	70,020	70,981	219,739

County of Franklin.

Ashfield	35	113	188	336
Bernardston	77	120	222	419
Buckland	132	148	359	639
Charlemont	69	123	195	387
Colrain	151	170	274	595
Conway	69	112	192	373
Deerfield	306	385	507	1,198
Erving	139	122	259	520
Gill	100	112	156	368
Greenfield	2,149	2,318	2,369	6,836
Hawley	11	29	42	82
Heath	12	35	60	107
Leverett	40	65	95	200
Leyden	24	29	49	102
Monroe	17	25	37	79
Montague	970	669	1,400	3,039
New Salem	37	71	82	190
Northfield	145	359	266	770
Orange	575	736	1,052	2,363
Rowe	28	32	54	114
Shelburne	141	294	390	825
Shutesbury	17	32	39	88
Sunderland	91	126	150	367
Warwick	51	53	87	191
Wendell	22	26	80	128
Whately	100	86	208	394
Totals	5,508	6,390	8,812	20,710

County of Hampden.

Agawam	805	874	1,043	2,722
Blandford	30	76	93	199
Brimfield	112	124	151	387
Chester	133	145	232	510
CHICOPEE	5,553	4,522	6,411	16,486
East Longmeadow	400	536	437	1,373
Granville	49	72	157	278
Hampden	121	164	177	462
Holland	24	32	43	99
HOLYOKE	6,545	8,069	9,592	24,206
Longmeadow	584	1,377	608	2,569
Ludlow	889	761	918	2,568
Monson	477	472	759	1,708
Montgomery	16	25	34	75
Palmer	1,072	1,007	1,540	3,619
Russell	148	147	222	517
Southwick	132	160	210	502
SPRINGFIELD	18,132	22,346	17,248	57,726
Tolland	18	17	29	64
Wales	50	50	85	185
West Springfield	2,220	2,620	1,982	6,822
WESTFIELD	2,099	2,788	2,534	7,421
Wilbraham	373	433	355	1,161
Totals	39,982	46,817	44,860	131,659

County of Hampshire.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amherst	647	1,334	844	2,825
Belchertown	238	309	423	970
Chesterfield	15	88	98	201
Cummington	50	93	156	299
Easthampton	941	1,057	1,858	3,856
Goshen	21	49	53	123
Granby	101	162	153	416
Hadley	163	247	310	720
Hatfield	196	163	391	750
Huntington	122	158	344	624
Middlefield	13	28	50	91
NORTHAMPTON	2,081	3,917	3,700	9,698
Pelham	44	67	78	189
Plainfield	18	33	70	121
South Hadley	864	1,160	1,101	3,125
Southampton	90	131	173	394
Ware	725	620	1,466	2,811
Westhampton	18	55	70	143
Williamsburg	159	313	414	886
Worthington	52	74	106	232
Totals	6,558	10,058	11,858	28,474

County of Middlesex.

Acton	383	539	446	1,368
Arlington	5,766	8,695	3,561	18,022
Ashby	76	145	151	372
Ashland	546	394	402	1,342
Ayer	339	425	512	1,276
Bedford	331	392	284	1,007
Belmont	3,513	6,790	2,280	12,583
Billerica	1,166	1,052	850	3,068
Boxborough	57	59	48	164
Burlington	372	339	267	978
CAMBRIDGE	17,763	18,081	10,436	46,280
Carlisle	97	139	100	336
Chelmsford	1,041	1,294	1,044	3,379
Concord	1,124	1,355	861	3,340
Dracut	1,097	680	827	2,604
Dunstable	41	67	90	198
EVERETT	8,639	5,705	4,124	18,468
Frammingham	3,581	3,290	2,824	9,695
Groton	387	414	539	1,340
Holliston	456	538	497	1,491
Hopkinton	399	402	463	1,264
Hudson	1,268	915	1,186	3,369
Lexington	1,812	2,368	924	5,104
Lincoln	227	405	217	849
Littleton	187	302	257	746
LOWELL	15,323	12,929	13,083	41,335
MALDEN	9,382	8,385	5,190	22,957
MARLBOROUGH	2,797	2,186	2,603	7,586
Maynard	1,055	881	1,009	2,945
MEDFORD	10,009	10,226	6,730	26,965
MELROSE	3,174	6,960	2,431	12,565
Natick	2,466	2,440	1,965	6,871
NEWTON	8,872	19,247	5,165	33,284
North Reading	480	398	325	1,203
Pepperell	394	418	588	1,400
Reading	1,351	2,709	1,104	5,164
Sherborn	108	210	156	474
Shirley	287	232	347	866
SOMERVILLE	17,492	14,714	9,163	41,369
Stoneham	1,794	1,804	1,206	4,804
Stow	134	198	188	520
Sudbury	229	389	197	815
Tewksbury	465	443	400	1,308
Townsend	193	343	409	945
Tyngsborough	239	216	207	662
Wakefield	2,151	3,357	1,955	7,463
WALTHAM	6,619	5,907	4,729	17,255
Watertown	6,314	5,991	3,018	15,323
Wayland	562	583	454	1,599
Westford	405	439	562	1,406
Weston	495	1,140	299	1,934

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Wilmington	697	558	458	1,713
Winchester	1,595	3,785	1,298	6,678
WOBURN	3,828	2,770	2,174	8,772
Totals	149,578	164,643	100,603	414,824

County of Nantucket.

Nantucket	311	347	844	1,502
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County of Norfolk.

Avon	445	304	335	1,084
Bellingham	396	258	613	1,267
Braintree	3,093	3,371	1,749	8,213
Brookline	8,042	11,251	4,126	23,419
Canton	1,046	1,017	871	2,934
Cohasset	572	686	458	1,716
Dedham	2,656	2,908	1,590	7,154
Dover	202	337	165	704
Foxborough	800	772	696	2,268
Franklin	926	872	1,327	3,125
Holbrook	499	569	600	1,668
Medfield	354	426	376	1,156
Medway	511	406	576	1,493
Millis	344	287	401	1,032
Milton	2,665	5,387	1,800	9,852
Needham	1,778	2,883	1,323	5,984
Norfolk	220	257	200	677
Norwood	2,784	2,363	1,475	6,622
Plainville	206	238	306	750
QUINCY	11,471	13,198	7,764	32,433
Randolph	1,362	1,020	1,077	3,459
Sharon	525	867	448	1,840
Stoughton	1,405	1,209	1,024	3,638
Walpole	1,235	1,128	855	3,218
Wellesley	1,480	3,965	1,228	6,673
Westwood	528	665	343	1,536
Weymouth	3,503	3,496	2,749	9,748
Wrentham	363	448	382	1,193
Totals	49,411	60,588	34,857	144,856

County of Plymouth.

Abington	929	831	1,006	2,766
Bridgewater	1,056	782	867	2,705
BROCKTON	10,626	9,178	9,279	29,083
Carver	84	137	197	418
Duxbury	291	490	328	1,109
East Bridgewater	492	506	638	1,636
Halifax	130	144	120	394
Hanover	361	382	458	1,201
Hanson	293	298	421	1,012
Hingham	1,218	1,639	725	3,582
Hull	585	438	313	1,336
Kingston	363	323	501	1,187
Lakeville	193	210	264	667
Marion	176	315	325	816
Marshfield	418	510	333	1,261
Mattapoisett	143	211	321	675
Middleborough	1,105	1,173	1,453	3,731
Norwell	271	335	277	883
Pembroke	254	252	217	723
Plymouth	1,872	1,350	1,866	5,088
Plympton	65	81	100	246
Rochester	89	156	155	400
Rockland	1,492	1,053	1,531	4,076
Seituate	746	751	688	2,185
Wareham	476	1,093	696	2,265
West Bridgewater	399	453	421	1,273
Whitman	1,434	1,150	1,290	3,874
Totals	25,561	24,241	24,790	74,592

County of Suffolk.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Boston	156,222	97,358	58,242	311,822
Chelsea	6,586	3,585	3,741	13,912
Revere	7,971	3,548	3,354	14,873
Winthrop	3,504	3,406	1,409	8,319
Totals	174,283	107,897	66,746	348,926

County of Worcester.

Ashburnham	213	289	411	913
Athol	1,198	1,511	1,644	4,353
Auburn	887	783	954	2,624
Barre	392	325	611	1,328
Berlin	111	181	182	474
Blackstone	1,005	303	619	1,927
Bolton	83	149	98	330
Boylston	164	158	201	523
Brookfield	156	161	259	576
Charlton	243	273	324	840
Clinton	2,543	1,337	2,141	6,021
Douglas	304	296	369	969
Dudley	589	383	683	1,655
East Brookfield	108	95	161	364
FITCHBURG	4,728	5,619	6,447	16,794
GARDNER	2,134	2,052	3,150	7,336
Grafton	756	645	1,384	2,785
Hardwick	244	183	421	848
Harvard	112	235	173	520
Holden	636	602	544	1,782
Hopedale	335	665	497	1,497
Hubbardston	86	104	150	340
Lancaster	301	410	409	1,120
Leicester	636	522	784	1,942
LEOMINSTER	2,909	2,578	3,084	8,571
Lunenburg	234	345	334	913
Mendon	145	205	214	564
Millford	1,515	1,846	2,811	6,172
Millbury	895	722	1,297	2,914
Millville	213	115	508	836
New Braintree	40	31	61	132
North Brookfield	291	319	523	1,133
Northborough	314	369	396	1,079
Northbridge	1,405	1,328	1,639	4,372
Oakham	31	53	96	180
Oxford	526	379	789	1,694
Paxton	103	137	103	343
Petersham	84	138	155	377
Phillipston	47	45	74	166
Princeton	75	105	146	326
Royalston	73	105	112	290
Rutland	232	215	237	684
Shrewsbury	1,061	903	1,015	2,979
Southborough	264	377	312	953
Southbridge	1,911	1,406	2,617	5,934
Spencer	867	559	1,469	2,895
Sterling	248	270	273	791
Sturbridge	206	144	285	635
Sutton	332	324	408	1,064
Templeton	398	456	634	1,488
Upton	198	338	506	1,042
Uxbridge	898	697	1,174	2,769
Warren	397	228	683	1,408
Webster	1,827	1,240	2,390	5,457
West Boylston	211	342	343	896
West Brookfield	158	194	240	592
Westborough	703	872	763	2,338
Westminster	133	226	223	582
Winchendon	610	700	965	2,275
WORCESTER	32,375	21,143	25,533	79,051
Totals	69,893	56,835	75,028	201,756

Aggregate of Votes.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	4,073	5,443	6,277	15,793
BERKSHIRE	15,188	14,650	19,868	49,706
BRISTOL	45,051	45,802	49,487	140,340
DUKES COUNTY	627	756	1,292	2,675
ESSEX	78,738	70,020	70,981	219,739
FRANKLIN	5,508	6,390	8,812	20,710
HAMPDEN	39,982	46,817	44,860	131,659
HAMPSHIRE	6,558	10,058	11,858	28,474
MIDDLESEX	149,578	164,643	100,603	414,824
NANTUCKET	311	347	844	1,502
NORFOLK	49,411	60,588	34,857	144,856
PLYMOUTH	25,561	24,241	24,790	74,592
SUFFOLK	174,283	107,897	66,746	348,926
WORCESTER	69,893	56,835	75,028	201,756
Totals	664,762	614,487	516,303	1,795,552

APPENDIX

The following table and the index to the Acts and Resolves of the current year have been prepared by FERNALD HUTCHINS, Esq., and HENRY D. WIGGIN, Esq., counsel, respectively, to the Senate and House of Representatives, in accordance with section fifty-one of chapter three of the General Laws.

TABLE

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE TERCENTENARY EDITION, HAVE BEEN AFFECTED BY LEGISLATION ENACTED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND THIRTY-TWO.*†

Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

Act granting to United States all rights of the commonwealth in and to great ponds within Fort Devens Military Reservation, and ceding jurisdiction over such ponds and certain other lands, 1933, 290.

Act granting the consent of the commonwealth to the acquisition by the United States of certain lands in Rutland, and ceding jurisdiction over such lands, 1937, 361; 1938, 450.

Act ceding jurisdiction to the United States over certain tracts of land in certain military reservations in the counties of Essex, Suffolk and Plymouth, 1938, 475.

Act ceding jurisdiction to the United States over certain land in Boston harbor for the purpose of extending the present limits of the Boston Navy Yard, 1938, 490.

SECT. 3 revised, 1933, 278 § 1.

Chapter 3. — The General Court.

SECT. 5 amended, 1937, 364 § 1.

SECT. 6 revised, 1937, 364 § 2.

SECT. 7 revised, 1937, 364 § 3.

SECT. 9 revised, 1937, 236 § 1.

SECT. 11 repealed, 1937, 236 § 2.

SECT. 12 revised, 1937, 360 § 1. (See 1937, 360 §§ 3-5.)

SECT. 13 revised, 1937, 360 § 2. (See 1937, 360 §§ 3-5.)

SECT. 19 amended, 1935, 210.

SECT. 20A added, 1937, 189 (relative to the purchase of uniforms for the sergeant-at-arms, doorkeepers, assistant doorkeepers, general court officers and pages of the general court).

* For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-597 of the Acts and Resolves of 1932.

† References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

Chapter 4. — Statutes.

SECT. 5 revised, 1935, 69.

SECT. 7, clause Eighteenth amended, 1934, 283; 1935, 26; 1936, 180; 1937, 38; 1938, 245.

Chapter 5. — Printing and Distribution of Laws and Public Documents.

As to the distribution of the Tercentenary Edition of the General Laws, see 1932, Resolve 53; 1933, Resolve 19; 1935, Resolve 18.

SECT. 1, last paragraph revised, 1932, 254; two paragraphs added at end, 1937, 373; section revised, 1938, 419.

SECT. 3, paragraphs in twelfth to forty-second lines, amended, 1938, 196.

SECT. 9 amended, 1933, 245 § 1.

SECT. 18 amended, 1935, 226 § 1.

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49, 104.

For temporary legislation establishing the emergency public works commission, and defining its powers and duties, see 1933, 365, as affected by 1933, 368; term extended, 1935, 380; 1937, 338; 1938, 20, 501 § 3.

SECT. 12B added, 1932, 14 (relative to the observance of the anniversary of the death of Brigadier General Casimir Pulaski).

SECT. 12C added, 1932, 153 (relative to the observance of the anniversary of the battle of Bunker Hill). (See 1935, 26.)

SECT. 12D added, 1932, 242 (relative to the observance of the anniversary of the Boston Massacre, etc.).

SECT. 12E added, 1934, 191 (relative to the observance of the anniversary of the death of Commodore John Barry).

SECT. 12F added, 1935, 23 (relative to the observance of the anniversary of the battle of New Orleans); amended, 1938, 49.

SECT. 12G added, 1935, 96 (providing for an annual proclamation by the governor relative to American Education Week).

SECT. 12H added, 1935, 148 (relative to the observance of the anniversary of the death of General Marquis de Lafayette).

SECT. 12I added, 1935, 184 (relative to the annual observance of Indian Day).

SECT. 12J added, 1938, 22 (relative to the annual observance of April nineteenth as Patriots' Day).

SECT. 12K added, 1938, 80 (relative to the annual observance of Evacuation Day, so called).

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1, 336 § 1; 1934, 374 § 1; 1935, 475 § 1. (See 1933, 336 § 3.)

SECT. 18 and heading stricken out and new section inserted, under heading "ARMORY COMMISSION", 1937, 300 § 1. (See 1937, 300 § 2.)

SECT. 22 amended, 1936, 341 § 1. (See 1936, 341 § 2.)

SECT. 28 amended, 1938, 18.

SECT. 28A amended, 1934, 208 § 1.

SECT. 28E added, 1934, 208 § 2 (relative to the dissemination of information concerning the public bequest fund).

SECT. 32, paragraph added at end, 1937, 227; same paragraph revised, 1938, 473 § 1.

SECT. 42 added, under caption "MILK REGULATION BOARD", 1932, 305 § 2.

SECTS. 43-45 added, 1933, 120 § 2 (relative to the alcoholic beverages control commission).

SECT. 43 amended, 1933, 375 § 1.

SECT. 44, first paragraph revised, 1933, 376 § 1.

SECTS. 46 and 47 added, 1933, 336 § 2 (relative to the Greylock reservation commission). (See 1933, 336 § 3.)

SECT. 48 added, under caption "STATE RACING COMMISSION", 1934, 374 § 2.

SECTS. 49-52 added, under caption "STATE PLANNING BOARD", 1935, 475 § 2.

SECT. 49 amended, 1936, 307.

Chapter 7. — Commission on Administration and Finance.

SECT. 22, clause (17) revised, 1933, 353 § 1.

SECT. 23A added, 1933, 353 § 2 (providing a preference in the purchase of supplies and materials by contractors for certain state work in favor of domestic supplies and materials).

Chapter 8. — Superintendent of Buildings, and State House.

SECTS. 1-12 affected, 1935, 327.

SECT. 1 revised, 1938, 249 § 1. (See 1938, 249 § 6.)

SECT. 4 amended, 1935, 251; revised, 1937, 84 § 1; 1938, 249 § 2. (See 1937, 84 § 2; 1938, 249 § 6.)

SECT. 5 revised, 1935, 460 § 1; amended, 1938, 387 § 1. (See 1935, 460 § 2; 1938, 387 § 2.)

SECT. 9 amended, 1938, 249 § 3. (See 1938, 249 § 6.)

SECT. 10 amended, 1938, 249 § 4. (See 1938, 249 § 6.)

SECT. 10A revised, 1933, 170.

SECT. 12 revised, 1938, 249 § 5. (See 1938, 249 § 6.)

SECT. 17 amended, 1932, 188 § 1; 1933, 199 § 1.

SECT. 18 amended, 1932, 188 § 2; 1933, 199 § 2.

Chapter 9. — Department of the State Secretary.

SECT. 2 revised, 1935, 416.

SECT. 6 amended, 1934, 25 § 1.

SECT. 7 amended, 1934, 25 § 2.

SECT. 9 amended, 1934, 127.

SECT. 15 amended, 1934, 19.

SECT. 17 amended, 1934, 37; revised, 1936, 31 § 1.

SECT. 20 added, 1935, 402 (regulating the publication and sale of the Massachusetts Reports and of the advance sheets of the opinions and decisions of the Supreme Judicial Court).

SECTS. 21-25 added, under the caption "COMMISSION ON INTERSTATE CO-OPERATION", 1937, 404 § 1 (establishing a commission on interstate

co-operation as successor to the commission on interstate compacts affecting labor and industries and defining its power and duties, and providing for a commission required to be established under an interstate compact on the minimum wage). (See 1937, 404 §§ 2, 3.)

Chapter 10. — Department of the State Treasurer.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49, 104.

For temporary legislation establishing the emergency public works commission, and defining its powers and duties, see 1933, 365, as affected by 1933, 368; term extended, 1935, 380; 1937, 338; 1938, 20, 501 § 3.

SECT. 8 amended, 1932, 180 § 1.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 2 amended, 1934, 133 § 1. (See 1934, 133 § 2.)

SECT. 3, last sentence amended, 1932, 180 § 2.

SECT. 3B amended, 1933, 318 § 1; 1934, 291 § 1. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 14, paragraph in lines 5 and 6 revised, 1935, 209; paragraph in lines 7 and 8 revised, 1935, 433 § 1; section revised, 1935, 458 § 1.

SECT. 15 revised, 1935, 458 § 2; paragraph in line 8 revised, 1937, 279 § 1.

SECT. 16, paragraph in lines 9-11 revised, 1935, 433 § 2; section revised, 1935, 458 § 3; paragraph in lines 23 and 24 revised, 1937, 279 § 2.

SECT. 25 amended, 1937, 64 § 1.

Chapter 13. — Department of Civil Service and Registration.

SECT. 3 amended, 1932, 180 § 3.

SECT. 8 amended, 1934, 329.

SECT. 10 amended, 1932, 8.

SECT. 11 amended, 1937, 379.

SECT. 12 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECTS. 12A-12C added, under the heading "BOARD OF REGISTRATION IN CHIROPODY (PODIATRY)", 1937, 425 § 1. (See 1937, 425 §§ 14, 15.)

SECT. 17 revised, 1934, 339 § 1.

SECT. 29 and its caption stricken out and new section inserted, under the caption "BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING", 1936, 407 § 1. (See 1936, 407 §§ 5-8.)

SECT. 31 revised, 1936, 407 § 2. (See 1936, 407 §§ 5-8.)

SECT. 32 revised, 1935, 420 § 1. (See 1935, 420 § 2.)

SECT. 40 amended, 1933, 149 § 1; two sentences added at end, 1934, 299 § 1. (See 1934, 299 § 2.)

SECT. 41 amended, 1938, 337 § 1. (See 1938, 337 § 2.)

SECTS. 42-44 added, under caption "BOARD OF REGISTRATION OF HAIRDRESSERS", 1935, 428 § 1. (See 1935, 428 §§ 5, 7.)

SECT. 43 amended, 1937, 385 § 1.

Chapter 15. — Department of Education.

SECT. 6A amended, 1938, 446 § 13. (See 1938, 446 § 14.)

SECT. 12 revised, 1935, 367.

Chapter 16. — Department of Public Works.

SECT. 5A added, 1938, 407 § 1 (establishing a division of waterways in the department of public works).

SECT. 6 amended, 1935, 418 § 1.

Chapter 18. — Department of Public Welfare.

SECT. 7 amended, 1935, 311 § 1.

SECTS. 17 and 18 added, under caption "STATE BOARD OF HOUSING", 1933, 364 § 1 (establishing within the department a state board of housing).

SECT. 17 amended, 1935, 449 § 1; 1938, 485 § 1. (See 1938, 485 § 2.)

SECT. 18 amended, 1935, 449 § 1A.

Chapter 19. — Department of Mental Health.

Name of department of mental diseases changed to department of mental health, 1938, 486 § 1. (See 1938, 486 §§ 21, 22.)

SECT. 1 revised, 1938, 486 § 2. (See 1938, 486 §§ 1, 21, 22.)

SECT. 2 revised, 1938, 486 § 3. (See 1938, 486 §§ 21, 22.)

SECT. 3 repealed, 1938, 486 § 4.

SECT. 4 revised, 1938, 486 § 5. (See 1938, 486 §§ 21, 22.)

SECT. 4A amended, 1938, 486 § 6. (See 1938, 486 §§ 21, 22.)

SECT. 5 amended, 1935, 314 § 2, 421 § 3. (See 1935, 421 §§ 5, 6.)

SECT. 6. See 1935, 314 § 1.

Chapter 20. — Department of Agriculture.

For temporary legislation establishing within the department a milk control board, and defining its powers and duties, see 1934, 376; term of office of said board extended, 1936, 300; 1938, 334; see also 1937, 428; 1938, 279.

SECT. 4 amended, 1933, 74 § 1; revised, 1934, 340 § 1. (See 1934, 340 § 18.)

SECT. 6 added, 1934, 340 § 2 (experts and assistants in division of livestock disease control). (See 1934, 340 § 18.)

Chapter 21. — Department of Conservation.

SECT. 1 amended, 1934, 340 § 3. (See 1934, 340 § 18.)

SECT. 3 revised, 1933, 75 § 1; amended, 1934, 340 § 4. (See 1934, 340 § 18.)

SECTS. 3A and 3B repealed, 1932, 180 § 4.

SECT. 7 revised, 1933, 329 § 3; 1937, 413 § 1. (See 1937, 413 §§ 3, 4.)

SECT. 7A added, 1934, 173 § 1 (establishing the office of state ornithologist in the division of fisheries and game). (See 1934, 173 § 2.)

SECT. 8A revised, 1933, 329 § 4.

SECTS. 9 and 10 repealed, 1934, 340 § 5. (See 1934, 340 § 18.)

SECT. 11 revised, 1933, 75 § 2.

SECT. 12 revised, 1933, 75 § 3.

Chapter 22. — Department of Public Safety.

SECT. 9C added, 1933, 239 (relative to the uniform of members of the state police).

Chapter 23. — Department of Labor and Industries.

For legislation establishing in the department of labor and industries a temporary commission on apprentice training and defining the powers and duties of said commission, see 1938, 448.

SECT. 3 amended, 1934, 331 § 1; two sentences revised, 1935, 479 § 1. (See 1935, 479 § 7.)

SECT. 4 amended, 1934, 331 § 2; 1935, 479 § 2. (See 1935, 479 § 7.)

SECT. 5 amended, 1935, 479 § 3. (See 1935, 479 § 7.)

SECT. 9 revised, 1935, 60 § 1.

SECT. 9A revised, 1932, 99; repealed, 1933, 73.

SECT. 9B repealed, 1933, 73.

SECT. 9C revised, 1932, 187; repealed, 1933, 73.

SECT. 9H revised, 1933, 362.

SECTS. 9I-9N added, 1935, 479 § 4 (establishing the Unemployment Compensation Commission, and defining its powers and duties). (See 1935, 479 §§ 6, 7.)

SECTS. 9O-9R added, under the caption "LABOR RELATIONS COMMISSION", 1938, 345 § 1 (incorporating the provisions of 1937, 436 relative to the labor relations commission as an addition to the general laws). (See 1938, 345 §§ 3, 4.)

SECT. 11A (and caption) added, 1934, 331 § 3 (division of occupational hygiene).

SECTS. 11B-11D added, under the caption "THE MASSACHUSETTS DEVELOPMENT AND INDUSTRIAL COMMISSION", 1937, 427 (establishing the Massachusetts development and industrial commission for the promotion and development of the industrial, agricultural and recreational resources of the commonwealth).

Chapter 25. — Department of Public Utilities.

SECT. 4 revised, 1938, 221.

SECT. 9A added, 1933, 76 § 2 (providing for certain employees serving directly under the commission of the department to perform its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 2.

SECT. 10 amended, 1933, 76 § 3; 1934, 352 § 3.

SECT. 10A added, 1933, 76 § 4 (providing for the apportionment of expenses incurred by the department in the performance of its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 4.

SECTS. 11 and 12 repealed, 1935, 411 § 1. (See 1935, 411 § 2.)

SECT. 12A revised, 1938, 445 § 1.

SECT. 12B revised, 1932, 290 § 2.

SECTS. 12C-12F repealed, 1933, 76 § 1; new sections 12C-12E added, under caption "DIVISION OF SMOKE INSPECTION", 1934, 352 § 1.

SECT. 12F added, 1935, 405 § 1 (establishing in the department a commercial motor vehicle division, under the charge of a director thereof); phrase added at end, 1935, 477 § 2.

SECT. 12G added, 1936, 117 (authorizing the director of the commercial motor vehicle division in the department of public utilities to summon witnesses, administer oaths and take testimony).

Chapter 26. — Department of Banking and Insurance.

SECT. 8A revised, 1934, 2; amended, 1935, 419.

Chapter 27. — Department of Correction.

SECT. 5 revised, 1934, 350 § 1; 1937, 399 § 1. (See 1934, 350 §§ 2-4; 1937, 399 §§ 3-6.)

Chapter 28. — Metropolitan District Commission.

SECT. 3 revised, 1936, 244 § 1. (See 1936, 244 § 4.)

SECT. 4 amended, 1936, 244 § 2. (See 1936, 244 § 4.)

Chapter 29. — State Finance.

For temporary legislation as to emergency state financing, see 1933, 49, 104, 307, 341, 365, 367, 368; 1934, 41, 66, 313, 335; 1935, 221, 300, 380, 392, 456; 1936, 309; 1937, 338; 1938, 20, 57, 481, 501 § 3.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4.

SECT. 6 amended, 1937, 426 § 1. (See 1937, 426 § 2.)

SECT. 10 amended, 1936, 256.

SECT. 20A added, 1937, 407 (relative to public inspection of certain orders and claims, in advance of approval or rejection thereof, in connection with state contracts).

SECT. 27 amended, 1937, 359.

SECT. 31, last sentence amended, 1932, 127 § 2.

SECT. 34 amended, 1936, 333.

SECT. 38, subdivision (h) added, 1934, 356.

SECT. 48A added, 1937, 252 (authorizing the use of facsimile signatures of the governor on certain bonds and notes of the commonwealth).

SECT. 63 added, 1937, 157 (providing for taxpayers' petitions for enforcement of certain provisions of law relative to state finance).

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

For temporary act reducing the salary or other compensation of state officers and employees, see 1933, 105, as affected by 1933, 296. For temporary acts providing for restoration of one-third of reduction in salary or other compensation under 1933, 105, as so affected, see 1934, 194, 213 § 1.

Provisions relative to expenses incurred for midday meals by state employees, 1933, 174 § 8; 1934, 162 § 6; 1935, 249 § 7; 1936, 304 § 7; 1937, 234 § 6; 1938, 356 § 5.

SECT. 7 revised, 1937, 414 § 1.

SECT. 24 revised, 1937, 430.

SECT. 39 revised, 1934, 351; amended, 1935, 217 § 1; revised, 1935, 472 § 1.

SECT. 42 revised, 1936, 359.

Chapter 31. — Civil Service.

For acts, extending to May 15th, 1940, the existing preference in the classified labor service to persons with dependents, see 1932, 183; 1933, 194; 1934, 243; 1936, 151; 1938, 212. [For prior legislation, see 1930, 111; 1931, 316.]

SECT. 3, clause (g) added, 1937, 223 (giving preference to blind persons in the employment of typists in certain cases by state departments, boards and commissions).

SECT. 4, fourth paragraph amended, 1938, 72; sixth paragraph revised, 1932, 282 § 1. (See 1932, 282 § 4.)

SECT. 5 amended, 1935, 405 § 2; 1936, 244 § 3.

SECT. 5A added, 1937, 414 § 2 (relative to the employment by certain municipal officers of persons to serve in a confidential capacity).

SECT. 6, sentence added at end, 1932, 260.

SECT. 6A added, 1935, 228 (dispensing with educational requirements as a condition of taking certain civil service examinations).

SECT. 13 amended, 1938, 174 § 2.

SECT. 15A added, 1933, 267 (restricting the appointment of persons for temporary employment under the civil service laws); amended, 1934, 105.

SECT. 17 amended, 1934, 94.

SECT. 19A added, 1932, 146 (relative to appointments to the regular fire forces in certain cities having reserve fire forces).

SECT. 20B added, 1937, 416 § 3 (providing for appointments to the regular police force of the metropolitan district commission from the list of members of the reserve police force). (See 1937, 416 § 5.)

SECT. 21 amended, 1932, 89; revised, 1933, 137.

SECT. 45 amended, 1934, 249 § 2.

SECT. 45A added, 1934, 190 (providing a method of avoiding multiplicity of petitions for judicial review to determine seniority rights in the classified labor service).

SECT. 46 amended, 1932, 282 § 2; revised, 1934, 249 § 1.

SECTS. 46C and 46D added, 1933, 320 (providing for the reinstatement of certain municipal officers and employees).

SECT. 46C amended, 1934, 84; 1936, 66; revised, 1938, 297 § 1.

SECT. 46E added, 1934, 207 (providing that a leave of absence of less than six months shall not be deemed a separation from the classified civil service in certain cases); paragraph added at end, 1936, 297.

SECT. 46F added, 1935, 337 (providing for the reinstatement of members of the police force of the Metropolitan district commission in certain cases).

SECT. 46G added, 1935, 408 (relative to seniority rights in respect to the suspension and re-employment of persons in the classified civil service in certain cases); revised, 1938, 297 § 2.

SECT. 46H added, 1936, 287 § 1 (providing for the reinstatement in the classified civil service of retired municipal officers and employees in certain cases of invalid retirement). (See 1936, 287 § 2.)

Chapter 32. — Retirement Systems and Pensions.

For legislation relative to the abolition of non-contributory pensions and retirement allowances for employees of counties, cities, towns and districts under special acts, see 1934, 285 § 10; 1937, 102 § 10.

For legislation relative to the pensioning of certain reserve and permanent members of police and fire forces of cities and towns, see 1938, 326.

SECT. 1, new paragraph added, 1934, 360 § 1. (See 1934, 360 § 5; 1937, 271.)

SECT. 2, paragraphs (10) and (11) revised, 1935, 390.

SECT. 3, paragraph (4) revised, 1932, 268.

SECT. 4, sentence added at end of paragraph (2) *A* (c), 1934, 360 § 2; paragraph (3) amended, 1936, 370 § 1. (See 1934, 360 § 5; 1936, 370 § 2; 1937, 271.)

SECT. 5, paragraph added at end of paragraph (2) *C* (c), 1934, 360 § 3; paragraph *H* added at end, 1934, 360 § 4. (See 1934, 360 § 5; 1937, 271.)

SECTS. 1-5, as amended, stricken out and sixteen new sections 1-5A inserted, 1938, 439 § 1. (See 1938, 439 §§ 6, 7.)

SECT. 6, definition of "Teacher" amended, 1937, 232 § 1; same definition revised, 1938, 444 § 1.

SECT. 7, paragraph (4) amended, 1932, 127 § 18; first sentence of paragraph (3) revised, 1937, 232 § 2; same paragraph amended, 1938, 385; paragraph (5) added, 1937, 232 § 3; paragraph (6) added, 1938, 444 § 2. (See 1937, 232 § 4.)

SECT. 9, paragraph (2) revised, 1937, 438 § 1; paragraph (5) added at end, 1937, 302; paragraph (6) added, 1938, 444 § 3.

SECT. 10, paragraph (2) revised, 1932, 255; paragraph (4) amended, 1937, 438 § 2; paragraph (8) amended, 1936, 386 § 1; paragraph (10) amended, 1936, 386 § 2, revised, 1937, 438 § 3; paragraphs (11) and (12) stricken out, 1937, 438 § 4; paragraph (17) amended, 1938, 444 § 4; paragraph (19) revised, 1938, 444 § 5; paragraph (20) added, 1938, 444 § 6.

SECT. 11, paragraph (5) revised, 1936, 400 § 2.

SECT. 20,* paragraph added, 1934, 258 § 1.

SECT. 23,* paragraph (5) revised, 1934, 258 § 2.

SECT. 24,* paragraph (2) *A* amended, 1935, 243.

SECT. 25,* paragraph (2) *A* (b) revised, 1936, 301 § 1; paragraph (2) *B* (b) revised, 1936, 301 § 2; paragraph (*F*) added at end, 1936, 301 § 3.

SECTS. 20-25, as amended, and the heading before said section 20, stricken out and new sections 20-25I inserted, under heading "COUNTY AND CERTAIN HOSPITAL DISTRICT RETIREMENT SYSTEMS", 1936, 400 § 1 (providing for contributory retirement systems for counties and certain hospital districts). (See 1936, 400 § 5; 1937, 336 § 3.)

The following references to sections 20-25I apply to sections inserted by 1936, 400 § 1:

SECT. 20, definitions of "Employee" and of "Regular interest" revised, 1937, 336 § 1; definition of "Employee" revised, 1938, 217, 464 § 3.

* See later amendments to sections 20 to 25, inclusive.

SECT. 21, paragraphs (1) (b), (1) (c) and (1) (d) revised, 1937, 336 § 2. (See 1937, 336 § 3.)

SECT. 22, last two sentences of paragraph (5) revised, 1937, 336 § 4.

SECT. 23, paragraph added at end of subdivision (1), 1937, 336 § 5.

SECT. 25, first clause of paragraph (2) revised, 1937, 336 § 6.

SECT. 25F, paragraph (6) amended, 1937, 336 § 7.

SECT. 25G, paragraph (1) (a) amended, 1937, 336 § 8; paragraph (1) (d) amended, 1937, 336 § 9.

SECT. 25I, last paragraph revised, 1937, 336 § 10.

SECTS. 26-31 stricken out and new sections 26-31I inserted, 1936, 318 § 1 (providing for contributory retirement systems for cities and towns that may be accepted by them). (See 1936, 318 §§ 5-7.)

SECT. 26, definitions of "Employee" and of "Regular interest" revised, 1937, 336 § 11; definition of "Employee" revised, 1938, 464 § 4.

SECT. 27, paragraph (1) (a) revised, 1938, 360 § 1; paragraph (1) (b) revised, 1937, 336 § 12; last sentence revised, 1938, 360 § 2; paragraph (1) (c) revised, 1937, 336 § 12; paragraph (1) (d) revised, 1937, 336 § 12; last sentence revised, 1938, 360 § 3; paragraph (1) (e) revised, 1938, 360 § 4; paragraph (1) (f) added, 1938, 360 § 5.

SECT. 28, paragraph (5) amended, 1937, 336 § 13.

SECT. 29, second paragraph of subdivision (1) revised, 1937, 336 § 14; paragraph (2) (b) revised, 1938, 360 § 6; paragraph (2) (c) amended, 1938, 270; paragraph (2) (d) amended, 1937, 336 § 15; second sentence revised, 1938, 360 § 7; paragraph (2) (e) revised, 1938, 360 § 8.

SECT. 31, first paragraph of subdivision (2) revised, 1937, 336 § 16.

SECT. 31F, paragraph (1) (b) amended, 1937, 57 § 1; paragraph 1A added, 1937, 57 § 2; paragraph (1) (c) revised, 1938, 284 § 1, 464 § 5; paragraph (2) revised, 1938, 464 § 6. (See 1937, 57 § 4; 1938, 284 § 2.)

SECT. 31G, paragraph (1) (d) amended, 1937, 336 § 17; paragraph (6) (a) revised, 1938, 360 § 9; paragraph (6) (b) amended, 1938, 360 § 10.

SECT. 31I, paragraph (3) amended, 1937, 57 § 3. (See 1937, 57 § 4.)

SECT. 31J inserted after the heading "GENERAL PROVISIONS" immediately before section 32, 1936, 400 § 3 (relative to the definition of certain words used in said General Provisions).

SECT. 33 amended, 1936, 301 § 4; 318 § 2; repealed, 1936, 400 § 4. (See 1936, 318 §§ 5-7; 400 §§ 2 and 5.)

SECT. 36 amended, 1937, 336 § 18.

SECTS. 37A-37D added, 1936, 318 § 3 (miscellaneous provisions relative to contributory retirement systems under G. L. chap. 32). (See 1936, 318 §§ 5-7.)

SECT. 37C, paragraph added at end, 1938, 360 § 10A; section revised, 1938, 439 § 2. (See 1938, 360 § 10B; 439 § 7.)

SECT. 37D, first paragraph revised, 1937, 336, § 19; paragraph added at end, 1938, 464, § 1.

SECT. 37E added, 1937, 336 § 20 (providing minimum retirement allowances for certain members of county, city or town contributory retirement systems); paragraph (2) revised, 1938, 360 § 11; paragraph (3) added at end, 1938, 439, § 3. (See 1938, 439, § 7.)

SECT. 37F added, 1938, 464, § 2 (permitting members of certain contributory retirement systems of governmental units to make contributions on account of prior service with other such units having no such systems).

SECT. 38 amended, 1937, 336 § 21.

SECT. 38A added, 1938, 439, § 4 (relative to the definitions of certain terms or words used in sections thirty-two to thirty-eight, inclusive). (See 1938, 439, § 7.)

SECT. 44 revised, 1934, 135; paragraph added at end, 1934, 285 § 1; section amended, 1936, 223; last paragraph amended, 1937, 102 § 1. (See 1937, 202.)

SECT. 48 revised, 1938, 379.

SECT. 52 amended, 1932, 114 § 1.

SECT. 53 amended, 1932, 114 § 2.

SECT. 60, paragraph added at end, 1934, 285 § 2; same paragraph amended, 1937, 102 § 2; 1938, 452 § 1. (See 1938, 452 § 2.)

SECT. 60A, paragraph added at end, 1934, 285 § 3; amended, 1937, 102 § 3.

SECTS. 61-64 repealed, 1937, 409, § 2. (See 1937, 409 §§ 5-7.)

SECT. 65, last sentence stricken out, 1937, 336 § 22; section repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65A added, 1937, 409 § 1 (relative to the retirement or resignation of members of the judiciary). (See 1937, 409 §§ 5-7.)

SECT. 66, paragraph added at end, 1934, 285 § 4; amended, 1937, 102 § 4.

SECT. 70, paragraph added at end, 1934, 285 § 5; amended, 1937, 102 § 5; section revised, 1937, 416 § 4. (See 1937, 416 § 5.)

SECT. 75, paragraph added at end, 1934, 285 § 6; amended, 1937, 102 § 6; section revised, 1938, 323 § 1.

SECT. 76 revised, 1938, 323 § 2.

SECT. 77, paragraph (a) revised, 1936, 290 § 1; paragraph (c) added at end, 1936, 290 § 2. (Affected, 1937, 283.)

SECT. 78 affected, 1937, 283.

SECT. 78A added, 1934, 285 § 7 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for laborers); amended, 1937, 102 § 7; revised, 1937, 283 § 1. (See 1937, 283 § 2.)

SECT. 80, paragraph added at end, 1934, 285 § 8; section amended, 1936, 439 § 1; last paragraph amended, 1937, 102 § 8.

SECT. 81 amended, 1933, 103; 1938, 277 § 1. (See 1938, 277 § 3.)

SECT. 83 amended, 1936, 439 § 2; 1938, 277 § 2. (See 1938, 277 § 3.)

SECT. 85 amended, 1936, 439 § 3.

SECT. 85A revised, 1935, 31 § 1. (See 1935, 31 § 2.)

SECT. 85B added, 1932, 253 (regulating the retirement and pensioning of certain members of the police forces of park boards of cities and towns).

SECT. 85C added, 1934, 285 § 9 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for policemen and firemen); amended, 1937, 102 § 9.

SECT. 85D added, 1937, 220 (relative to the retirement of certain call members of fire departments in certain towns).

SECT. 89 revised, 1932, 276; amended, 1933, 340 § 1; 1934, 343; revised, 1935, 466; amended, 1936, 326. (See 1933, 340 § 2.)

SECT. 90 revised, 1936, 439 § 4.

SECT. 91 revised, 1938, 439 § 5. (See 1938, 439 § 7.)

Chapter 33. — Militia.

Act establishing a special military reservation commission, and authorizing the acquisition by the commonwealth for military purposes of certain properties in Sandwich, Bourne, Falmouth and Mashpee, 1935, 196; powers and duties of the commission defined, 1936, 344 §§ 1, 2. (See 1938, 331.)

SECT. 6 revised, 1933, 254 § 1; 1938, 440 § 1A. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 7 revised, 1938, 440 § 1. (See 1938, 440, § 23.)

SECT. 18 amended, 1932, 15.

SECT. 22, paragraph in third line revised, 1937, 192 § 1.

SECT. 25A added, 1935, 295 § 1 (further regulating the calling out of the militia as an aid to the civil power of the commonwealth).

SECT. 26 amended, 1935, 295 § 2.

SECT. 31 amended, 1935, 295 § 3.

SECT. 32 revised, 1935, 295 § 4.

SECT. 33 revised, 1935, 295 § 5.

SECT. 34 amended, 1935, 295 § 6.

SECT. 48, subsection (a) revised, 1932, 161; same subsection amended, 1933, 166.

SECT. 60 amended, 1933, 153 § 1; 1934, 120.

SECT. 67 revised, 1935, 205.

SECT. 82, subsection (c) added, 1938, 433 (making the United States property and disbursing officer for Massachusetts the finance officer of the Massachusetts National Guard, defining his powers and duties and establishing his compensation).

SECT. 90, paragraph in lines 63-65 revised, 1934, 106; last sentence of paragraph (k) revised, 1933, 17; paragraph (k) revised, 1937, 192 § 2.

SECT. 98, sentence added at end, 1933, 6.

Chapter 34. — Counties and County Commissioners.

SECT. 1 revised, 1933, 278 § 2.

SECT. 4 amended, 1935, 257 § 1. (See 1935, 257 § 12.)

SECT. 7 amended, 1935, 257 § 2. (See 1935, 257 § 12.)

SECT. 12 revised, 1935, 257 § 3. (See 1935, 257 § 12.)

SECT. 17 revised, 1932, 74.

SECT. 19 amended, 1935, 257 § 4. (See 1935, 257 § 12.)

SECT. 23 added, 1932, 297 (authorizing counties to receive certain gifts).

Chapter 35. — County Treasurers, State Supervision of County Accounts and County Finances.

For temporary legislation relative to salary reductions in the several counties, see 1933, 121, 186; 1934, 228, 276, 289. (See also 1933, 322 § 3.)

For emergency legislation incident to the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935 and certain other federal acts, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1938, 50.

For legislation relative to the issuance and renewal of certain temporary loans in anticipation of federal grants for public works projects, see 1938, 82.

Provisions relative to travel allowance of county officials and employees using their own cars on official business, 1933, 322 § 4.

SECT. 3 revised, 1932, 56.

SECT. 21 amended, 1937, 64 § 2.

SECT. 25 amended, 1933, 175 § 1.

SECT. 27 amended, 1933, 175 § 2.

SECT. 28 amended, 1933, 318 § 2; 1934, 291 § 2. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 34 revised, 1937, 36.

SECT. 37 amended, 1933, 28.

SECT. 37A amended, 1933, 29.

SECT. 40 amended, 1936, 23 § 1.

SECT. 49 amended, 1935, 182 § 1; 1938, 347 § 1. (See 1935, 182 § 6; 1938, 347 § 3.)

SECT. 51 amended, 1938, 73 § 2.

SECT. 52, second paragraph revised, 1938, 73 § 1.

Chapter 36. — Registers of Deeds.

SECT. 3 revised, 1937, 219 § 1.

Chapter 37. — Sheriffs.

SECT. 2 revised, 1937, 219 § 2.

SECT. 22 amended, 1932, 180 § 5.

SECT. 23 amended, 1936, 31 § 2; repealed, 1937, 148.

Chapter 38. — Medical Examiners.

SECT. 8 revised, 1932, 118 § 1.

Chapter 39. — Municipal Government.

SECT. 10 amended, 1935, 403 § 1. (See 1935, 403 § 2.)

SECT. 19 repealed, 1934, 39 § 1.

SECT. 20 amended, 1934, 39 § 2.

SECT. 23 amended, 1934, 39 § 3.

Chapter 40. — Powers and Duties of Cities and Towns.

Temporary act relative to the care and disposal of land acquired by cities and towns through foreclosure of tax titles, 1938, 358.

SECT. 4, third paragraph revised, 1932, 271 § 6. (See 1932, 271 § 7.)

SECT. 5, clause (1) amended, 1933, 318 § 3; 1935, 106; revised, 1935, 179 (see 1933, 318 § 9); clause (2) amended, 1936, 390; clause (5A) added, 1938, 172 § 1 (authorizing appropriations to establish a water supply); clause (12) amended, 1932, 114 § 3; 1933, 153 § 2; 245 § 2; revised 1936, 132 § 1, 163; clause (28) revised, 1936, 211 § 5, (see 1936, 211 § 7); clause (38) added, 1934, 154 § 1 (authorizing appropriations for protection of interests in real estate held under tax title

or taking); clause (39) added, 1935, 28 (authorizing appropriations for the purpose of co-operating with the federal government in certain unemployment relief and other projects); clause (40) added, 1937, 185 (authorizing appropriations for eyeglasses for needy school children); clause (41) added, 1938, 142 § 1 (authorizing cities and towns to appropriate money for stocking inland waters therein with fish and for liberating game therein). (See 1938, 142 § 2.)

SECT. 5A added, 1936, 40 (providing for the establishment of reserve funds for cities); amended, 1937, 34.

SECTS. 5, 6. Temporary act, effective during 1935 to 1938, inclusive, authorizing appropriations for a general unemployment relief fund, 1935, 90; 1937, 4.

SECT. 9 amended, 1933, 245 § 3; 1935, 305; 1936, 271; paragraph added at end, 1937, 255.

SECT. 14 revised, 1933, 283 § 1.

SECT. 17 amended, 1933, 254 § 2. (See 1933, 254 § 66.)

SECTS. 25-33. See 1932, 143; 1933, 204; 1934, 210; 1936, 240; for special zoning provisions for Boston.

SECTS. 25-30A stricken out, and new sections 25-30A (municipal zoning laws) inserted, 1933, 269 § 1. (See 1933, 269 § 4.)

SECT. 27A added, 1938, 133 § 1 (to prevent multiplicity of proposals for the same change in zoning ordinances or by-laws).

SECT. 30, paragraph in lines 61-70 (as appearing in 1933, 269 § 1) amended, 1935, 388 § 1; paragraph in lines 80-90 (as appearing in 1933, 269 § 1) amended, 1935, 388 § 2.

SECT. 30A stricken out and reinserted as section 30B and new section 30A inserted, 1938, 133 § 2 (to prevent multiplicity of proposals for the same change in the application of zoning ordinances or by-laws.)

SECT. 32 revised, 1933, 185 § 1. (See 1933, 185 § 2.)

SECT. 38 revised, 1938, 172 § 2.

SECTS. 39A-39G added, 1938, 172 § 3 (authorizing the establishment and maintenance of water supply and distributing systems).

SECT. 40 revised, 1933, 314.

SECT. 42A revised, 1932, 197 § 2; amended, 1936, 42 § 1; revised, 1938, 415 § 1. (See 1932, 197 § 3; 1938, 415 § 7.)

SECT. 42B amended, 1935, 56 § 1; revised, 1936, 42 § 2; 1938, 415 § 2. (See 1935, 56 § 2; 1938, 415 § 7.)

SECT. 42C amended, 1935, 248 § 1; revised, 1938, 415 § 3. (See 1938, 415 § 7.)

SECT. 42D, last sentence revised, 1935, 248 § 2; section revised, 1938, 415 § 4. (See 1938, 415 § 7.)

SECT. 42E, last sentence amended, 1932, 180 § 6. Affected, 1938, 415 § 7.

SECT. 42F affected, 1938, 415 § 7.

SECT. 51 revised, 1937, 196.

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

For temporary legislation relative to salary reductions in Boston, see 1933, 121; 1934, 228, 289.

Provisions of G. L. chapter 41 authorizing or requiring the fixing of terms of office of members of any board, commission or body affected by 1938, 341 § 2.

SECT. 1, paragraph in line 10 revised, 1934, 155 § 1; paragraph added at end, 1938, 341 § 2.

SECT. 5 amended, 1934, 39 § 4.

SECT. 11 amended, 1938, 341 § 3.

SECT. 13 amended, 1936, 18; 1937, 143 § 1.

SECT. 13A added, 1932, 289 § 5 (provisions relative to bonds of city clerks). [For prior legislation, see G. L. chapter 140 § 148, repealed by 1932, 289 § 6.]

SECT. 19, last sentence revised, 1938, 66.

SECT. 19A added, 1933, 70 § 1 (requiring the filing with the state secretary of certificates of appointment or election of clerks or assistant or temporary clerks of cities or towns, and granting authority to said secretary to authenticate attestations of any such officer). (See 1933, 70 § 2.)

SECT. 21, last paragraph revised, 1934, 155 § 2. (See 1934, 155 § 4.)

SECT. 24A repealed, 1937, 129 § 1.

SECT. 25 revised, 1937, 129 § 2.

SECT. 25A revised, 1937, 129 § 3.

SECT. 26 revised, 1937, 129 § 4.

SECT. 26A added, 1935, 149 (relative to employment of counsel by boards of assessors in certain cases).

SECT. 27 revised, 1936, 118 § 1. (See 1936, 118 § 3.)

SECT. 35 revised, 1937, 143 § 2.

SECT. 37 revised, 1933, 82 § 2; amended, 1934, 259 § 2.

SECT. 38A amended, 1936, 201.

SECT. 40 revised, 1937, 143 § 3.

SECT. 54A amended, 1936, 62.

SECT. 59 amended, 1936, 94.

SECT. 61A revised, 1937, 143 § 4.

SECT. 66 revised, 1934, 155 § 3.

SECTS. 69A and 69B added, 1938, 172 § 4 (relative to the establishment and powers and duties of boards of water commissioners in certain towns).

SECT. 70, paragraph added at end, 1936, 211 § 1. (See 1936, 211 § 7.)

SECT. 72 revised, 1936, 211 § 2. (See 1936, 211 § 7.)

SECT. 73, paragraph added at end, 1936, 211 § 3. (See 1936, 211 § 7.)

SECTS. 81A-81J added, under caption "IMPROVED METHOD OF MUNICIPAL PLANNING", 1936, 211 § 4. (See 1936, 211 § 7.)

SECT. 81A, last paragraph revised, 1938, 113.

SECT. 91B added, 1933, 128 (further regulating the appointment of constables).

SECT. 96A added, 1938, 342 (disqualifying felons from appointment to the police forces or departments of cities, towns and districts).

SECT. 99 amended, 1932, 124.

SECT. 100, sentence added at end, 1933, 324 § 3; section amended, 1938, 298.

SECT. 100A amended, 1933, 318 § 4; 1934, 291 § 3. (See 1933, 318 §§ 8, 9; 1934, 291 § 6.)

SECT. 105 amended, 1936, 132 § 2.

SECT. 111 revised, 1932, 109; amended, 1936, 242; revised, 1937, 15.

SECT. 111A amended, 1934, 107.

Chapter 42. — Boundaries of Cities and Towns.

Boundary line between Saugus and Wakefield (portion) established, 1933, 298; between Woburn and Reading (portion) established, 1934, 177; between Oak Bluffs and Tisbury (portion) established, 1935, 145; between Brewster and Orleans (portion) established, 1935, 356; between Middleton and Topsfield established, 1936, 96; between Foxborough and Walpole established, 1937, 140; between Edgartown and Oak Bluffs (portion) established, 1937, 265; between Arlington and Belmont (portion) established, 1938, 371.

SECT. 1 revised, 1933, 278 § 3.

Chapter 43. — City Charters.

SECT. 1, three paragraphs inserted after word "inclusive" in line 22, 1938, 378 § 1.

SECT. 5, paragraph added at end, 1938, 378 § 2.

SECT. 8, form of petition revised, 1938, 378 § 3.

SECT. 10, paragraph added at end, 1938, 378 § 4.

SECT. 15 amended, 1933, 313 § 7; last paragraph amended, 1938, 378 § 5.

SECT. 17 revised, 1938, 378 § 6.

SECT. 18, paragraph numbered 4 inserted, 1938, 378 § 7.

SECT. 19 revised, 1938, 378 § 8.

SECT. 23 amended, 1935, 68 § 1.

SECT. 26, first paragraph revised, 1937, 224 § 1; amended, 1938, 378 § 9.

SECT. 29 revised, 1938, 378 § 10.

SECT. 30 revised, 1938, 378 § 11.

SECT. 31 amended, 1938, 378 § 12.

SECT. 36 revised, 1938, 378 § 13.

SECT. 42 amended, 1935, 68 § 2.

SECT. 44A amended, 1933, 313 § 8; last two sentences stricken out, and paragraph added at end, 1934, 30; first paragraph revised, 1938, 378 § 14.

SECT. 44C, first paragraph amended, 1937, 147.

SECT. 44H amended, 1932, 180 § 7.

SECT. 50A added, 1936, 135 (relative to the filling of vacancies in the city council in cities having a Plan A form of charter).

SECT. 56 amended, 1937, 224 § 2.

SECT. 59A added, 1937, 224 § 3 (relative to the filling of vacancies in the city council in cities having a Plan B form of charter).

SECTS. 93-116 added, under the heading "PLAN E. — GOVERNMENT BY A CITY COUNCIL INCLUDING A MAYOR ELECTED FROM ITS NUMBER, AND A CITY MANAGER, WITH ALL ELECTIVE BODIES ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION", 1938, 378 § 15 (providing an additional optional standard form of city charter under which substantial control of the city government is vested in a city council elected at large by proportional representation, with a city manager appointed and removable at pleasure by the city council).

Chapter 43A. — Standard Form of Representative Town Meeting Government.

Act relative to Wellesley, 1932, 202; to Needham, 1932, 279; to Webster, 1933, 13; to South Hadley, 1933, 45; to Easthampton, 1933, 178; to Milford, 1933, 271; to Adams, 1935, 235; to Falmouth, 1935, 349; to Amherst, 1936, 10; to Amesbury, 1936, 39; to Braintree, 1936, 56; 1937, 17; to Natick, 1938, 2.

SECT. 3, first paragraph amended, 1937, 267 § 2.

SECT. 4, first paragraph amended, 1936, 128.

Chapter 44. — Municipal Finance.

For temporary legislation establishing an emergency finance board in the department of the state treasurer, and providing for the borrowing of money by cities and towns against certain tax titles, see 1933, 49, 104; 1935, 221, 300, 456; 1936, 281; 1938, 57.

For temporary acts relative to funds granted under the federal emergency relief act of 1933, see 1933, 344; 1934, 163.

For emergency legislation incident to the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935 and certain other federal acts, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1937, 159; 1938, 50.

For legislation authorizing the renewal by cities and towns of certain temporary revenue loans, see 1935, 12; 1938, 25.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4.

For temporary act authorizing cities and towns to borrow on account of public welfare and soldiers' benefits from the commonwealth and elsewhere, and authorizing the commonwealth to issue bonds or notes to provide funds therefor, see 1933, 307 (as changed by 1933, 344 §§ 3, 4; 1934, 335; and as affected by 1933, 367 § 1).

For legislation authorizing cities, towns and districts to borrow, during 1935, 1936, 1937 and 1938, on account of public welfare and soldiers' benefits and their share of the cost of certain federal emergency unemployment relief projects, see 1935, 188; 1936, 80; 1937, 107; 1938, 58. (See 1935, 456; 1936, 257.)

For legislation authorizing temporary borrowings by cities, towns and districts in anticipation of receipts from federal grants for emergency public works, see 1935, 213, 404 § 8; renewal of such borrowings, 1936, 64; further provision for the issuance and renewal of such borrowings, 1938, 82.

For temporary legislation authorizing any city or town to expend money in co-operation with the federal government prior to the passage of its annual budget, see 1938, 180.

SECT. 2 revised, 1936, 224 § 4. (See 1936, 224 §§ 11, 12.)

SECT. 4 amended, 1934, 11 § 1; affected, 1934, 11 §§ 2, 3; amended, 1936, 16.

SECT. 4A added, 1935, 68 § 3 (temporary loans by cities in anticipation of revenue exempted from charter provisions relative to publication and referendum).

- SECT. 5A amended, 1935, 68 § 4.
SECT. 7 amended, 1936, 224 § 5. (See 1936, 224 §§ 11, 12.)
SECT. 8, clause (3) revised, 1938, 172 § 5.
SECT. 10 amended, 1936, 224 § 6. (See 1936, 224 §§ 11, 12.)
SECT. 11 amended, 1936, 224 § 7. (See 1936, 224 §§ 11, 12.)
SECT. 12 amended, 1936, 224 § 8. (See 1936, 224 §§ 11, 12.)
SECT. 16, last sentence stricken out, 1936, 224 § 10. (See 1936, 224 §§ 11, 12.)
SECT. 22 amended, 1936, 224 § 9. (See 1936, 224 §§ 11, 12.)
SECT. 29. As to tax limit of Boston, see 1932, 125; 1933, 159; 1934, 201; 1935, 284; 1936, 224.
SECT. 32, paragraphs added at end, 1938, 175 § 1, 378 § 16.
SECT. 34 revised, 1938, 170.
SECT. 46A added, 1932, 155 (making permanent certain provisions of law relative to investigations of municipal accounts and financial transactions by the director of accounts). [For prior temporary legislation, see 1926, 210; 1929, 335.]
SECT. 51 amended, 1934, 355; repealed, 1938, 458.
SECT. 54 amended, 1933, 200.
SECT. 56A added, 1934, 229 § 1 (relative to the financial year of cities). (See 1934, 229 §§ 2, 3.)

Chapter 45. — Public Parks, Playgrounds and the Public Domain.

- SECT. 17A added, 1938, 220 (authorizing cities and towns to use certain ways therein for playground purposes).

Chapter 46. — Return and Registry of Births, Marriages and Deaths.

- SECT. 1, third sentence of second paragraph revised, 1933, 280 § 1.
SECT. 2A added, 1933, 279 (regulating the impounding of birth records of children born out of wedlock); amended, 1937, 78 § 1.
SECT. 9 amended, 1936, 100.
SECT. 12 amended, 1937, 78 § 2.
SECT. 13, second paragraph amended, 1933, 280 § 2; second paragraph stricken out and two new paragraphs inserted, 1938, 63; paragraph in eighteenth and nineteenth lines amended, 1938, 97.
SECT. 17 revised, 1932, 12.

Chapter 48. — Fires, Fire Departments and Fire Districts.

For emergency legislation incident to the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935 and certain other federal acts, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1938, 50.

For legislation authorizing cities, towns and districts to borrow, during 1935, 1936, 1937 and 1938, on account of public welfare and soldiers' benefits and their share of the cost of certain federal emergency unemployment relief projects, see 1935, 188; 1936, 80; 1937, 107; 1938, 58. (See 1935, 456; 1936, 257.)

For legislation authorizing temporary borrowings by cities, towns and districts in anticipation of receipts from federal grants for emergency public works, see 1935, 213, 404 § 8; renewal of such borrow-

ings, 1936, 64; further provision for the issuance and renewal of such loans, 1938, 82.

SECT. 13 amended, 1938, 204.

SECT. 15 amended, 1932, 180 § 8.

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

SECT. 2 amended, 1932, 141 § 1; sentence added at end, 1938, 341 § 4.

Chapter 51. — Voters.

For legislation providing for a state wide verification of voting lists, see 1938, 427.

SECT. 1, paragraph added at end, 1932, 206.

SECT. 2 amended, 1933, 254 § 3. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 4. (See 1933, 254 § 66.)

SECT. 4 amended, 1933, 254 § 5; first paragraph revised, 1935, 345 § 1; amended, 1937, 1 § 1; revised, 1938, 186 § 1; section revised, 1938, 440 § 2. (See 1933, 254 §§ 65, 66; 1937, 226; 1938, 186 § 5, 440 § 23.)

SECT. 5 revised, 1938, 440 § 3. (See 1938, 440 § 23.)

SECT. 6 revised, 1938, 440 § 4. (See 1938, 440 § 23.)

SECT. 7 amended, 1933, 254 § 6; revised, 1935, 345 § 2; amended, 1938, 440 § 5. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 8 amended, 1933, 254 § 7; 1937, 1 § 2; revised, 1938, 186 § 2, 440 § 6. (See 1933, 254 § 66; 1938, 186 § 5, 440 § 23.)

SECT. 9 amended, 1933, 254 § 8; revised, 1938, 440 § 7. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 10 amended, 1938, 440 § 8. (See 1938, 440 § 23.)

SECT. 11 revised, 1938, 440 § 9. (See 1938, 440 § 23.)

SECT. 12 revised, 1938, 440 § 10. (See 1938, 440 § 23.)

SECT. 14A revised, 1938, 440 § 11. (See 1938, 440 § 23.)

SECT. 14B added, 1933, 254 § 9 (amending special acts relative to the listing of voters in certain municipalities so as to conform to the change in taxing date from April 1 to January 1); revised, 1938, 440 § 12. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 22 amended, 1938, 280.

SECT. 26 amended, 1932, 48 § 1; 1935, 37 § 1; 1938, 473 § 2.

SECT. 27 revised, 1932, 48 § 2; amended, 1935, 37 § 2; 1938, 473 § 3.

SECT. 29B added, 1938, 179 (providing for sessions of registrars of voters in all the wards of every city prior to each biennial state election).

SECT. 32 amended, 1933, 254 § 10. (See 1933, 254 § 66.)

SECT. 34 amended, 1933, 254 § 11. (See 1933, 254 § 66.)

SECT. 35 revised, 1938, 440 § 13. (See 1938, 440 § 23.)

SECT. 36 amended, 1933, 254 § 12. (See 1933, 254 § 66.)

SECT. 37 amended, 1933, 254 § 13; revised, 1938, 440 § 14. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 39 amended, 1938, 440 § 15. (See 1938, 440 § 23.)

SECT. 43 amended, 1933, 254 § 14; revised, 1938, 440 § 16. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 50 amended, 1938, 440 § 17. (See 1938, 440 § 23.)

SECT. 55 amended, 1933, 254 § 15; sentence added at end, 1936, 2 § 1; same sentence revised, 1938, 473 § 4. (See 1933, 254 § 66.)

SECT. 61 amended, 1937, 21 § 1.

Chapter 52. — Political Committees.

The following references are to chapter 52, as appearing in the Tercentenary Edition:

SECT. 1 amended, 1932, 310 § 1; revised, 1934, 288 § 1; 1936, 99. (See 1934, 288 § 5; 1937, 384, 435.)

SECT. 2 amended, 1932, 310 § 2; revised, 1934, 288 § 2; amended, 1936, 11 § 2. (See 1934, 288 § 5; 1936, 11 § 3; 1937, 384, 435.)

SECT. 4 amended, 1934, 288 § 3. (See 1934, 288 § 5.)

SECT. 7 amended, 1934, 118; first paragraph stricken out, 1934, 288 § 4. (See 1934, 288 § 5; 1937, 384, 435.)

SECT. 9 amended, 1932, 310 § 3; 1937, 24 § 1. (See 1937, 384, 435.)

Chapter stricken out and new chapter inserted, 1938, 346 § 1. (See 1938, 346 §§ 3, 4.)

Chapter 53. — Nominations, Questions to be submitted to the Voters, Primaries and Caucuses.

SECT. 2 amended, 1932, 310 § 4; last sentence revised, 1934, 32 § 1; section revised, 1938, 473 § 5. (See 1937, 384, 435.)

SECT. 3 revised, 1936, 116 § 1; amended, 1937, 45 § 1.

SECT. 6 amended, 1936, 101.

SECT. 7 amended, 1933, 254 § 16; sentence inserted, 1936, 2 § 2; section revised, 1936, 4 § 1; amended, 1937, 25 § 1; 1938, 341 § 5. (See 1933, 254 § 66.)

SECT. 8, first paragraph amended, 1932, 135 § 4; section amended, 1933, 35 § 1; first sentence amended, 1938, 473 § 6.

SECT. 10, first paragraph amended, 1934, 111; revised, 1937, 45 § 2; amended, 1938, 373 § 4; second paragraph revised, 1933, 313 § 2; third paragraph revised, 1937, 77 § 2.

SECT. 11, sentence added at end, 1933, 313 § 3; revised, 1937, 77 § 3; section revised, 1937, 212 § 1.

SECT. 12 revised, 1937, 212 § 2.

SECT. 12A added, 1933, 305 (to prevent certain fraudulent nominations).

SECT. 13, sentence added at end, 1933, 313 § 4; section amended, 1937, 26, 77 § 4.

SECT. 17A added, under the heading "ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE POLITICAL COMMITTEES BY CONVENTIONS", 1938, 397.

SECT. 18 revised, 1934, 282.

SECT. 22A amended, 1932, 80; 1938, 192.

SECT. 22B added, 1938, 191 (requiring persons circulating initiative and referendum petitions to attest the validity of signatures thereto under the penalties of perjury).

SECT. 24. See 1937, 275.

SECT. 28 amended, 1932, 310 § 5; revised, 1933, 313 § 5; amended, 1934, 32 § 2; revised, 1938, 473 § 7. (See 1937, 384, 435.)

SECT. 32 amended, 1932, 310 § 6; 1938, 473 § 8. (See 1937, 384, 435.)

SECT. 34 revised, 1932, 310 § 7; fourth paragraph revised, 1937, 22; first paragraph revised, 1938, 436 § 1; section revised, 1938, 473 § 9. (See 1937, 384, 435.)

SECT. 35 amended, 1932, 310 § 8; 1938, 473 § 10. (See 1937, 384, 435.)

SECT. 38 amended, 1938, 299.

SECT. 40 revised, 1932, 30.

SECT. 41 revised, 1932, 310 § 9; section and title preceding it stricken out and new section inserted under the heading "PROVISIONS APPLYING TO STATE PRIMARIES", 1938, 473 § 11. (See 1937, 384, 435.)

SECT. 42 amended, 1932, 310 § 10; 1937, 24 § 2; revised, 1938, 373 § 1. (See 1937, 384, 435.)

SECT. 43 amended, 1932, 310 § 11; 1937, 201. (See 1937, 384, 435.)

SECT. 44 revised, 1932, 310 § 12; amended, 1935, 38; revised, 1938, 373 § 2, 473 § 12. (See 1937, 384, 435.)

SECT. 45 amended, 1932, 310 § 13; first paragraph amended, 1936, 22; 1938, 84; section revised, 1938, 473 § 13. (See 1937, 384, 435.)

SECT. 46 amended, 1936, 4 § 2; revised, 1937, 25 § 2.

SECT. 47 amended, 1932, 310 § 14; 1938, 473 § 14. (See 1937, 384, 435.)

SECT. 48 amended, 1932, 310 § 15; paragraph added at end, 1938, 272; first paragraph revised, 1938, 373 § 3. (See 1937, 384, 435.)

SECT. 49 revised, 1932, 310 § 16; 1938, 473 § 15. (See 1937, 384, 435.)

SECT. 51 amended, 1932, 310 § 17; 1938, 473 § 16. (See 1937, 384, 435.)

SECT. 52 amended, 1932, 310 § 18; revised, 1938, 473 § 17. (See 1937, 384, 435.)

SECT. 53 revised, 1932, 310 § 19; 1938, 473 § 18. (See 1937, 384, 435.)

SECT. 53A amended, 1932, 310 § 20; revised, 1938, 473 § 19. (See 1937, 384, 435.)

SECT. 54 revised, 1932, 310 § 21; two sentences added, 1935, 482 § 1; section amended, 1936, 11 § 1; 1937, 24 § 3; section (and heading) revised, 1938, 346 § 2. (See 1936, 11 §§ 2, 3; 1937, 384, 435; 1938, 346 §§ 3, 4.)

SECTS. 54A and 54B added, 1932, 310 § 22 (relative to proceedings at pre-primary conventions, to the form of certificates of nomination of candidates thereat, and to the acceptance of such nominations); repealed, 1938, 473 § 20. (See 1937, 384, 435.)

SECT. 55, paragraph added at end, 1936, 116 § 2.

SECT. 57 amended, 1937, 410.

SECT. 61 amended, 1936, 140; 1937, 411.

SECTS. 65-70 (and caption) repealed, 1932, 310 § 23. (See 1937, 384, 435; 1938, 473 § 21.)

SECTS. 70A-70H added, under heading "PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES," 1938, 473 § 21.

SECT. 71. See 1937, 275.

SECT. 72A added, 1933, 313 § 6 (relative to caucuses before regular city elections in cities having absent voting); revised, 1937, 77 § 5.

SECT. 112 amended, 1935, 59 § 2.

SECT. 117 amended, 1932, 141 § 2.

SECT. 121 added, 1932, 141 § 3 (authorizing the nomination by caucuses other than those of political or municipal parties of two candidates for each town office); revised, 1936, 204.

Chapter 54. — Elections.

SECT. 4 revised, 1935, 482 § 2; amended, 1936, 185; revised, 1937, 412.

SECT. 9A added, 1937, 267 § 1 (relative to the use of precincts in certain towns in the formation of representative districts).

SECT. 11 amended, 1932, 76 § 1; 1934, 158 § 1; 1937, 27; 1938, 341 § 6.

SECT. 11A added, 1932, 76 § 2 (dispensing with the appointment of deputy election officers in certain cities).

SECT. 12 amended, 1934, 158 § 2.

SECT. 13 amended, 1934, 158 § 3.

SECT. 19 amended, 1934, 158 § 4.

SECT. 21 amended, 1934, 158 § 5.

SECT. 26 amended, 1938, 281 § 1.

SECT. 33, last sentence stricken out, and paragraph inserted at end, 1935, 238 § 1.

SECT. 34 revised, 1936, 205 § 1; second paragraph stricken out, 1938, 281 § 2.

SECTS. 35A, 35B added, 1938, 281 § 3 (relative to voting by challenged voters at polling places where voting machines are used and to the counting of votes where such machines are used).

SECT. 38 revised, 1936, 205 § 2.

SECT. 41, third paragraph amended, 1933, 35 § 2; 1938, 190; second sentence of same paragraph revised, 1938, 436 § 2.

SECT. 42 amended, 1932, 135 § 5; first paragraph amended, 1935, 238 § 2.

SECT. 43 revised, 1932, 135 § 1.

SECT. 60, last sentence amended, 1938, 281 § 6.

SECT. 62 amended, 1935, 257 § 5. (See 1935, 257 § 12.)

SECT. 64, last paragraph amended, 1934, 39 § 5.

SECT. 65 revised, 1933, 289 § 1.

SECT. 71. See 1937, 275.

SECT. 78 revised, 1932, 135 § 2.

SECT. 85A added, 1937, 275 § 1 (relative to the challenging of voters at polling places at certain elections, primaries and caucuses). (See 1937, 275 § 2.)

SECT. 87, subsection (b) revised, 1936, 404 § 1; subsection (c) revised, 1936, 404 § 2; subsection (c) amended, 1937, 162 § 2.

SECT. 89 revised, 1936, 404 § 3.

SECT. 92 revised, 1936, 404 § 4; amended, 1937, 162 § 1.

SECT. 93 revised, 1936, 404 § 5.

SECT. 95 revised, 1936, 404 § 6.

SECT. 96 amended, 1936, 404 § 7.

SECT. 100 revised, 1936, 404 § 8.

SECT. 103A added, 1933, 313 § 1 (providing for absent voting at regular city elections); affected, 1936, 404 § 9; revised, 1937, 77 § 1.

SECT. 104 amended, 1934, 39 § 6.

SECT. 105, fourth paragraph amended, 1938, 341 § 7.

SECT. 112 amended, 1935, 257 § 6. (See 1935, 257 § 12.)

SECT. 122 amended, 1935, 257 § 7. (See 1935, 257 § 12.)

SECT. 132 amended, 1932, 33.

SECT. 133 amended, 1937, 21 § 2.

SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270; first paragraph revised, 1935, 59 § 1; 1938, 250 § 1; third paragraph revised, 1937, 303; last paragraph revised, 1938, 250 § 2; paragraph inserted after first paragraph, 1938, 281 § 4. (See 1933, 254 § 66.)

SECT. 135A added, 1938, 281 § 5 (relative to the recounting of votes where voting machines are used).

SECT. 137 amended, 1935, 55.

SECT. 138, last paragraph amended, 1937, 23 § 1.

SECT. 144 revised, 1935, 257 § 8. (See 1935, 257 § 12.)

SECT. 146 amended, 1935, 257 § 9. (See 1935, 257 § 12.)

SECT. 148 amended, 1937, 23 § 2.

SECT. 151 amended, 1932, 135 § 3.

SECT. 158 amended, 1935, 257 § 10. (See 1935, 257 § 12.)

SECT. 161 (except last paragraph) amended, 1934, 265.

Chapter 54A. — Election of City and Town Officers by Proportional Representation and Preferential Voting.

New chapter inserted, 1937, 345.

Chapter inserted by 1937, 345 stricken out and new chapter inserted, 1938, 341 § 1.

SECT. 2, paragraph added at end, 1938, 378 § 17.

Chapter 55. — Corrupt Practices and Election Inquests.

SECT. 7 amended, 1938, 75.

Chapter 56. — Violations of Election Laws.

SECT. 2 revised, 1938, 440 § 18. (See 1938, 440 § 23.)

SECT. 5 revised, 1938, 440 § 19. (See 1938, 440 § 23.)

SECT. 6 revised, 1938, 440 § 20. (See 1938, 440 § 23.)

SECT. 7 amended, 1938, 440 § 21. (See 1938, 440 § 23.)

SECT. 8 revised, 1938, 440 § 22. (See 1938, 440 § 23.)

SECT. 22 revised, 1938, 341 § 8.

SECT. 28 amended, 1938, 341 § 9.

SECT. 39 revised, 1933, 289 § 2.

SECT. 40 amended, 1938, 341 § 10.

SECT. 44 amended, 1938, 341 § 11.

SECT. 45 amended, 1938, 341 § 12.

Chapter 58. — General Provisions relative to Taxation.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4.

SECT. 1, fifth sentence amended, 1932, 180 § 9; same sentence revised, 1937, 108 § 2.

SECT. 2 amended, 1933, 254 § 18. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 19. (See 1933, 254 § 66.)

SECT. 8 revised, 1935, 322 § 1.

SECT. 10 amended, 1934, 323 § 9. (See 1934, 323 § 11.)

SECT. 13 amended, 1933, 254 § 20. (See 1933, 254 § 66.)

SECT. 15 amended, 1933, 254 § 21. (See 1933, 254 § 66.)

SECT. 18 revised, 1933, 350 § 7; amended, 1936, 405 § 1; affected, 1933, 357 § 4; 1935, 438 § 2. (See 1933, 307 § 11, 350 § 9; 1936, 362 § 4.)

SECT. 20 revised, 1936, 362 § 3; amended, 1937, 108 § 1. (See 1936, 362 §§ 4, 8; 1937, 108 § 3.)

SECT. 20A added, 1936, 376 § 3 (relative to the set-off of money due to the commonwealth from a city or town against sums due to the city or town from the commonwealth).

SECT. 21 amended, 1933, 254 § 22; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECTS. 22 and 23 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 24 amended, 1933, 254 § 23. (See 1933, 254 § 66.)

SECT. 24A revised, 1934, 323 § 2. (See 1934, 323 § 11.)

SECT. 25 revised, 1934, 323 § 3. (See 1934, 323 § 11.)

SECT. 25A revised, 1934, 323 § 4. (See 1934, 323 § 11.)

SECT. 26 amended, 1933, 254 § 24; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 31 added, under heading "FORMS", 1937, 135 § 1 (relative to forms of application for abatement of taxes and certain other forms and the approval thereof by the commissioner of corporations and taxation).

Chapter 58A. — Appellate Tax Board (former title, Board of Tax Appeals).

Title revised, 1937, 400 § 2.

For legislation abolishing the board of tax appeals and creating the appellate tax board, see 1937, 400.

SECT. 1 revised, 1937, 400 § 3. (See 1937, 400 §§ 1, 2, 4, 5, 7.)

SECT. 6 amended, 1932, 180 § 10; revised, 1933, 167 § 4; one word stricken out, 1934, 323 § 10; revised, 1938, 478 § 4. (See 1933, 167 § 5; 1934, 323 § 11; 1937, 400 § 1.)

SECT. 7 revised, 1933, 321 § 2. (See 1933, 321 § 9.)

SECT. 7A added, 1933, 321 § 3 (providing for the establishment of informal procedure before the board of tax appeals); revised, 1935, 447; third sentence revised, 1938, 384. (See 1933, 321 §§ 8, 9.)

SECT. 8 revised, 1933, 321 § 4. (See 1933, 321 § 9.)

SECT. 8A added, 1935, 276 § 1 (providing for adequate discovery in tax appeal cases).

SECT. 10 revised, 1933, 321 § 5. (See 1933, 321 § 9.)

SECT. 12 amended, 1933, 321 § 6. (See 1933, 321 § 9.)

SECT. 13 revised, 1933, 321 § 7; one sentence revised, 1933, 350 § 8; same sentence amended, 1935, 218 § 1. (See 1933, 321 § 9, 350 § 9.)

Chapter 59. — Assessment of Local Taxes.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4.

As to Boston taxes, see 1932, 125; 1933, 159; 1934, 201; 1935, 284; 1936, 224.

SECT. 1 amended, 1936, 202 § 1; revised, 1938, 186 § 3. (See 1936, 202 § 2; 1938, 186 § 5.)

SECT. 5, clause First revised, 1936, 81; 1938, 47; clause Third, subsection (c) amended, 1933, 198 § 1 (see 1933, 198 § 2); clause Eleventh revised, 1938, 317; clause Sixteenth revised, 1936, 362 § 1 (see 1936, 362 §§ 4, 8); clause Seventeenth revised, 1935, 294; clause Seventeenth A added, 1938, 186 § 4; clause Twentieth revised, 1937, 132; clause Twenty-third amended, 1932, 114 § 4. (See 1938, 186 § 5.)

SECT. 6 amended, 1933, 254 § 25; 1936, 59 § 1. (See 1933, 254 § 66; 1936, 59 § 3.)

SECTS. 6 and 7. See 1934, 307.

SECT. 7, first paragraph amended, 1936, 59 § 2. (See 1936, 59 § 3.)

SECT. 8 amended, 1933, 80, 254 § 26; paragraph added at end, 1935, 119 § 1. (See 1933, 254 § 66; 1935, 119 § 2.)

SECT. 9 amended, 1933, 254 § 27. (See 1933, 254 § 66.)

SECT. 10 amended, 1933, 254 § 28. (See 1933, 254 § 66.)

SECT. 11 amended, 1933, 254 § 29; revised, 1936, 92. (See 1933, 254 § 66.)

SECT. 16 amended, 1937, 114.

SECT. 18, opening paragraph and clauses First and Second amended, 1933, 254 § 30; clause Second revised, 1936, 362 § 2. (See 1933, 254 § 66; 1936, 362 § 8.)

SECT. 19 amended, 1933, 254 § 31. (See 1933, 254 § 66.)

SECT. 20 revised, 1933, 254 § 32; amended, 1936, 376 § 1. (See 1933, 254 § 66.)

SECT. 21 revised, 1933, 254 § 33; 1936, 376 § 2. (See 1933, 254 § 66.)

SECT. 23, paragraph added at end, 1938, 175 § 2.

SECT. 27 amended, 1936, 118 § 2. (See 1936, 118 § 3.)

SECT. 29, last three sentences revised, 1933, 254 § 34. (See 1933, 254 § 66.)

SECT. 33 amended, 1933, 254 § 35. (See 1933, 254 § 66.)

SECT. 39 amended, 1933, 254 § 36. (See 1933, 254 § 66.)

SECT. 41 amended, 1933, 254 § 37. (See 1933, 254 § 66.)

SECT. 45 amended, 1933, 254 § 38; form appended to section amended, 1933, 254 § 39. (See 1933, 254 § 66.)

SECT. 47 amended, 1933, 254 § 40. (See 1933, 254 § 66.)

SECT. 49 amended, 1933, 254 § 41. (See 1933, 254 § 66.)

SECT. 57 amended, 1933, 151 § 1; revised, 1933, 254 § 42; 1935, 158 § 1; amended, 1937, 203 § 1; revised, 1938, 330 § 1. (See 1933, 151 § 2, 254 § 66; 1935, 158 § 2; 1937, 203 § 2; 1938, 330 § 2.)

SECT. 59, sentence added at end, 1933, 165 § 1; section revised, 1933, 254 § 43, 266 § 1; 1934, 136 § 2; amended, 1935, 187 § 1. (See 1933, 254 § 66, 266 § 2; 1934, 136 § 3; 1935, 187 § 2.)

SECT. 61, last sentence revised, 1933, 165 § 2.

SECT. 61A added, 1935, 276 § 2 (providing for adequate discovery in proceedings for tax abatement).

SECT. 64, first paragraph amended, 1933, 130 § 1; second paragraph amended, 1935, 218 § 2; section revised, 1937, 400 § 6; 1938, 478 § 1. (See 1937, 400 §§ 1-5, 7.)

SECT. 65 amended, 1933, 130 § 2, 167 § 1; revised, 1938, 478 § 2.

SECT. 65A added, 1932, 218 § 1 (providing that the sale or taking of real property for payment of unpaid taxes thereon shall not prejudice proceedings for the abatement of such taxes); revised, 1933, 325 § 18. (See 1932, 218 § 2; 1933, 325 § 19.)

SECT. 65B added, 1938, 478 § 3 (relative to appeals to the appellate tax board from the refusal of assessors to abate certain taxes on real estate).

SECT. 69 amended, 1935, 218 § 3.

SECT. 73 amended, 1933, 254 § 44. (See 1933, 254 § 66.)

SECT. 74 amended, 1933, 254 § 45. (See 1933, 254 § 66.)

SECT. 75 amended, 1934, 104.

SECT. 79 amended, 1938, 150 § 1.

SECT. 83 amended, 1933, 254 § 46. (See 1933, 254 § 66.)

SECT. 84 amended, 1933, 254 § 47. (See 1933, 254 § 66.)

SECT. 85 amended, 1933, 254 § 48. (See 1933, 254 § 66.)

SECT. 86 amended, 1933, 254 § 49. (See 1933, 254 § 66.)

Chapter 60. — Collection of Local Taxes.

Temporary act relative to the care and disposal of land acquired by cities and towns through foreclosure of tax titles, 1938, 358.

SECT. 1, third paragraph revised, 1933, 164 § 1.

SECT. 3 revised, 1933, 254 § 50. (See 1933, 254 § 66.)

SECT. 3A added, 1934, 136 § 1 (requiring that certain information relative to abatement or exemptions be included in tax bills); amended, 1936, 156. (See 1934, 136 § 3.)

SECT. 3B added, 1935, 322 § 2 (relative to the suspension of payment of certain assessments payable by certain persons entitled to exemption from local taxes.)

SECT. 5 revised, 1933, 168 § 2.

SECT. 13, sentence added at end, 1937, 143 § 5.

SECT. 15, first paragraph amended, 1934, 151 § 2; 1935, 252 § 1.

SECT. 15A added, 1935, 252 § 2 (further regulating charges and fees for the collection of poll taxes).

SECT. 16 revised, 1933, 168 § 1; amended, 1933, 254 § 51. (See 1933, 168 § 4, 254 § 66.)

SECT. 18 repealed, 1932, 54 § 1.

SECT. 22 revised, 1933, 254 § 52; affected, 1933, 308. (See 1933, 254 § 66.)

SECT. 23 revised, 1932, 197 § 1.

SECT. 35 revised, 1938, 150 § 2.

SECT. 37 amended, 1933, 254 § 53, 325 § 1; 1934, 131 § 2; revised, 1934, 169; amended, 1935, 269; 1936, 146. (See 1933, 254 § 66; 1934, 131 § 3.)

SECT. 38 amended, 1933, 254 § 54, 325 § 2. (See 1933, 254 § 66, 325 § 21.)

SECT. 39 amended, 1933, 325 § 3.

SECT. 42 revised, 1933, 164 § 2.

SECT. 43, last sentence revised, 1932, 54 § 2; section amended, 1935, 183, 236.

SECT. 45 amended, 1933, 325 § 4; 1937, 209; 1938, 339 § 1.

SECT. 46, paragraph added at end, 1934, 131 § 1.

SECT. 48 amended, 1933, 325 § 5. (See 1933, 325 § 20.)

SECT. 50 revised, 1933, 325 § 6; amended, 1935, 414 § 1; 1936, 93 § 2. (See 1935, 414 § 4.)

SECT. 50A added, 1934, 154 § 2 (providing for protection of interests in real estate held under tax sales or takings).

- SECT. 51 amended, 1933, 254 § 55. (See 1933, 254 § 66.)
SECT. 52 revised, 1936, 392 § 1.
SECT. 53 revised, 1933, 164 § 3. (See 1933, 325 § 20.)
SECT. 54 amended, 1933, 325 § 7; 1938, 339 § 2.
SECT. 55 amended, 1933, 325 § 8.
SECT. 58 revised, 1932, 2.
SECT. 59 amended, 1933, 254 § 56. (See 1933, 254 § 66.)
SECT. 61 revised, 1933, 325 § 9; amended, 1934, 48; 1936, 93 § 1. (See 1933, 325 § 20.)
SECT. 62 revised, 1933, 325 § 10; first paragraph amended, 1934, 218; same paragraph revised, 1935, 414 § 2; second paragraph revised, 1935, 278; section revised, 1936, 392 § 2; paragraph inserted after the second paragraph, 1938, 415 § 5. (See 1935, 414 § 4.)
SECT. 63 amended, 1933, 325 § 11; revised, 1936, 392 § 3.
SECT. 65 amended, 1933, 325 § 12; 1938, 305.
SECT. 66 amended, 1935, 224 § 1. (See 1935, 224 § 6.)
SECT. 67 amended, 1935, 224 § 2. (See 1935, 224 § 6.)
SECT. 68 amended, 1935, 224 § 3; paragraph added at end, 1935, 354 § 1; section amended, 1935, 414 § 3. (See 1935, 224 § 6, 354 § 3, 414 § 4.)
SECT. 69 amended, 1935, 224 § 4. (See 1935, 224 § 6.)
SECT. 70 amended, 1935, 224 § 5. (See 1935, 224 § 6.)
SECT. 75 amended, 1936, 189 § 1.
SECT. 76 revised, 1935, 318 § 1; amended, 1936, 189 § 2. (See 1935, 318 §§ 2, 8.)
SECT. 76A added, 1935, 354 § 2 (providing for redemption in part from tax sales in certain cases). (See 1935, 354 § 3.)
SECT. 76B added, 1938, 415 § 6 (relative to the effect of errors or irregularities in respect to water rates and charges included in a tax title account).
SECT. 77, paragraph added at end, 1938, 339 § 3.
SECT. 78 amended, 1933, 325 § 13; repealed, 1936, 194. (See 1933, 325 § 20.)
SECT. 79, second paragraph amended, 1933, 325 § 14; 1935, 173 § 1.
SECT. 80 amended, 1933, 325 § 15; revised, 1935, 173 § 2.
SECT. 84 revised, 1935, 260.
SECT. 84A revised, 1933, 325 § 16; 1935, 181 § 1. (See 1935, 181 § 2.)
SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.
SECT. 95 revised, 1933, 325 § 17; amended, 1934, 315 § 2; revised, 1935, 248 § 3. (See 1934, 315 § 3.)
SECT. 97 revised, 1934, 151 § 1.
SECT. 104 revised, 1937, 43.
SECT. 105 revised, 1933, 168 § 3.
Form 2 in schedule at end of chapter repealed, 1932, 54 § 1; schedule of forms at end of chapter stricken out, 1933, 168 § 3.

Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Tax.

- SECT. 1, first paragraph amended, 1936, 384 § 1; last paragraph amended, 1936, 384 § 2; paragraph added at end, 1938, 111; section revised, 1938, 480 § 1.
SECT. 2 revised, 1936, 384 § 3; 1938, 480 § 2.

SECT. 2A added, 1938, 492 § 1 (providing for the suspension of certificates of registration in cases of non-payment of the excise on registered motor vehicles).

SECT. 3 revised, 1936, 384 § 4; 1938, 480 § 3.

SECT. 4 revised, 1938, 480 § 4, 492, § 2.

SECT. 6 amended, 1936, 384 § 5; revised, 1938, 480 § 5.

Chapter 61. — Taxation of Forest Products and Classification and Taxation of Forest Lands.

SECT. 3 amended, 1933, 254 § 57. (See 1933, 254 § 66.)

Chapter 62. — Taxation of Incomes.

For temporary legislation relative to the taxation of dividends of certain corporations, see 1933, 307, 357; 1935, 489; 1936, 82 § 1; 1937, 395; 1938, 489 §§ 2-5.

For legislation providing for temporary additional taxes upon personal incomes, see 1935, 480; 1936, 397; 1937, 422; 1938, 502.

SECT. 1, subsection (c), paragraph Third added, 1935, 489 § 6; subsection (e) amended, 1935, 489 § 7.

SECT. 5, paragraph (b) amended, 1935, 489 § 8; paragraph (c) revised, 1934, 363 § 1; 1935, 481 § 1. (See 1934, 363 § 2; 1935, 481 § 2.)

SECT. 6, clause (g) revised, 1935, 436 § 1. (See 1935, 436 § 2.)

SECTS. 7A and 7B added, 1935, 438 § 1 (relative to income taxation of gains from certain transactions in real property).

SECT. 18. See Sect. 18 of Chapter 58 in this Table.

SECT. 21A added, under caption "PRESUMPTION AS TO INHABITANCY", 1936, 310 (providing that individuals under certain circumstances shall be presumed to be inhabitants of the Commonwealth for income tax purposes); repealed, 1938, 489 § 8.

SECT. 25A added, 1935, 438 § 3 (relative to returns of taxable gains from certain transactions in real property).

SECT. 30 amended, 1935, 152.

SECT. 33, paragraph added, 1932, 186.

SECT. 36 amended, 1933, 167 § 2.

SECT. 37 revised, 1933, 350 § 1. (See 1933, 350 § 9.)

SECT. 37A added, 1933, 350 § 2 (providing for the payment of income taxes in two installments). (See 1933, 350 § 9.)

SECT. 39, first sentence revised, 1933, 350 § 3. (See 1933, 350 § 9.)

SECT. 41 revised, 1932, 152; 1933, 350 § 4. (See 1933, 350 § 9.)

SECT. 43 amended, 1933, 350 § 5; 1937, 135 § 2. (See 1933, 350 § 9.)

SECT. 46 revised, 1933, 350 § 6. (See 1933, 350 § 9.)

Chapter 63. — Taxation of Corporations.

SECT. 1, paragraph defining "Net income" revised, 1933, 327 § 1. (See 1933, 327 § 7.)

SECT. 2 amended, 1933, 327 § 2. (See 1933, 327 § 7.)

SECT. 3 amended, 1933, 254 § 58; 1934, 323 § 5. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 5 amended, 1933, 254 § 59; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 6 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 12, paragraph (c) amended, 1937, 274 § 1; paragraph (h) added at end, 1934, 362.

SECTS. 30-51. See 1934, 317 § 2.

SECTS. 30-60. For legislation providing for temporary additional taxes levied under these sections, see 1935, 480; 1936, 397; 1937, 422; 1938, 502.

SECT. 30, paragraph contained in lines 48-51 amended, 1933, 58 § 3; paragraph contained in lines 70-74 amended, 1933, 58 § 4; paragraphs contained in lines 52-69, and paragraph amended by 1933, 58 § 4, revised, 1934, 237 § 1; paragraph 5 revised, 1933, 327 § 3. (See 1933, 58 § 5, 327 § 7; 1934, 237 § 2.)

SECT. 32 revised, 1933, 342 § 1; amended, 1936, 362 § 5. (See 1933, 342 § 6; 1936, 362 § 8.)

SECT. 32A amended, 1933, 342 § 2. (See 1933, 342 § 6.)

SECT. 33 revised, 1933, 303 § 1. (See 1933, 303 § 3.)

SECT. 34 amended, 1933, 327 § 4. (See 1933, 327 § 7.)

SECT. 35 revised, 1933, 58 § 1.

SECT. 36 revised, 1933, 327 § 5; amended, 1935, 473 § 2. (See 1933, 327 § 7; 1935, 473 § 7.)

SECT. 38, paragraph 10 added at end, 1933, 342 § 3. (See 1933, 342 § 6.)

SECT. 38B, last paragraph amended, 1935, 473 § 3. (See 1935, 473 § 7.) [For temporary legislation affecting the taxation, during 1934, 1935, 1936, 1937, 1938, 1939, 1940 and 1941, of corporations subject to this section, see 1934, 317 § 1; 1935, 489 § 4; 1937, 395 § 5; 1938, 489 § 6.]

SECT. 38C revised, 1937, 383 § 1. (See 1937, 383 § 3.)

SECT. 39, subsection (1) revised, 1936, 362 § 6; last paragraph amended, 1933, 327 § 6; new paragraph added at end, 1933, 342 § 4. (See 1933, 327 § 7, 342 § 6; 1936, 362 § 8.)

SECT. 39A revised, 1933, 303 § 2; first paragraph amended, 1934, 134. (See 1933, 303 § 3.)

SECT. 40 revised, 1933, 58 § 2.

SECT. 42, last sentence amended, 1932, 180 § 11; section revised, 1933, 342 § 5. (See 1933, 342 § 6.)

SECT. 42B revised, 1937, 383 § 2. (See 1937, 383 § 3.)

SECT. 43. See 1933, 307 § 9A, 357; 1935, 489; 1937, 395.

SECT. 44 amended, 1935, 473 § 4; amended, 1936, 362 § 7. (See 1935, 473 § 7; 1936, 362 § 8.)

SECT. 45 amended, 1933, 195 § 1; revised, 1935, 473 § 5. (See 1933, 195 § 2; 1935, 473 § 7.)

SECT. 48 revised, 1935, 473 § 1. (See 1935, 473 § 7.)

SECT. 53, first paragraph amended, 1933, 254 § 60; clause Fourth revised, 1934, 323 § 6. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 54, paragraph in lines 9-17 amended, 1933, 254 § 61; same paragraph revised, 1934, 323 § 7; last paragraph amended, 1934, 323 § 7A. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 55, first paragraph amended, 1936, 134.

SECT. 56A revised, 1934, 317 § 3. (See 1934, 317 § 4.)

SECT. 59 amended, 1934, 323 § 8. (See 1934, 323 § 11.)

SECT. 70 revised, 1935, 473 § 6. (See 1935, 473 § 7.)

SECT. 71 amended, 1933, 167 § 3.

SECT. 71A amended, 1935, 150.

SECT. 71B added, 1937, 135 § 3 (providing that applications for abatement or correction of taxes, made pursuant to any provision of this chapter, shall be in writing upon forms approved by the commissioner).

Chapter 64A. — Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel.

Chapter affected, 1932, 248; 1935, 336; 1936, 398; 1938, 431 § 2.

SECT. 1, paragraph (*d*) revised, 1936, 357 § 1. (See 1936, 357 § 3.)

SECT. 4 revised, 1938, 431 § 1.

SECT. 5 amended, 1936, 357 § 2. (See 1936, 357 § 3.)

Chapter 65. — Taxation of Legacies and Successions.

For legislation providing for temporary additional taxes upon successions and legacies, see 1935, 480; 1936, 397; 1937, 422; 1938, 502.

SECT. 1, table revised, 1933, 293.

SECTS. 24A-24F added, 1933, 319 (providing reciprocal relations in respect to death taxes upon estates of non-resident decedents).

Chapter 65A. — Taxation of Transfers of Certain Estates.

SECT. 1, paragraph added at end, 1932, 284; second paragraph revised, 1933, 316 § 1; section amended, 1937, 420 § 1. (See 1933, 316 § 2; 1937, 420 § 4.)

SECT. 6 amended, 1937, 420 § 2. (See 1937, 420 § 4.)

SECT. 7 repealed, 1937, 420 § 3. (See 1937, 420 § 4.)

Chapter 66. — Public Records.

SECT. 3 revised, 1936, 305.

Chapter 68. — Donations and Conveyances for Pious and Charitable Uses.

SECT. 10, sentence added at end, 1934, 238.

Chapter 69. — Powers and Duties of the Department of Education.

SECT. 6 amended, 1932, 127 § 3.

SECT. 7 amended, 1935, 275; 1937, 213, 327; 1938, 315; revised, 1938, 424.

SECT. 8 amended, 1932, 127 § 4.

SECT. 9 amended, 1938, 442 § 1.

SECT. 9A added, 1938, 442 § 2 (further regulating education in the use of English and certain other subjects adapted to fit persons for American citizenship).

SECT. 23A added, 1938, 28 (requiring the furnishing of information to the director of the division of the blind by certain banks and other depositories).

SECT. 25 revised, 1935, 397.

SECTS. 25A-25E added, 1938, 329 (regulating the raising of funds for the benefit of the blind).

SECT. 26, paragraph added at end, 1935, 286.

SECT. 29 added, 1938, 313 (relative to instruction in lip reading for certain school children whose hearing is defective).

Chapter 70. — School Funds and Other State Aid for Public Schools.

SECT. 2 amended, 1932, 127 § 5.

SECT. 4, last paragraph amended, 1934, 143.

SECT. 6 amended, 1932, 127 § 6.

SECT. 18 amended, 1932, 127 § 7.

Chapter 71. — Public Schools.

SECT. 2 amended, 1938, 246 § 1.

SECT. 13A added, 1938, 241 (requiring the teaching of the Italian language in certain public high schools in certain cases).

SECT. 30A added, 1935, 370 § 1 (requiring that an oath or affirmation be taken and subscribed to by certain professors, instructors and teachers in the colleges, universities and schools of the commonwealth). (See 1935, 370 §§ 2, 2A, 3.)

SECT. 42 revised, 1934, 123.

SECT. 46A amended, 1932, 159.

SECT. 47 revised, 1935, 199.

SECT. 48A amended, 1935, 47.

SECT. 52 amended, 1932, 90.

SECT. 54 amended, 1938, 265 § 1.

SECT. 55 revised, 1938, 265 § 2.

SECT. 55A added, 1938, 265 § 3 (relative to the disposition of children showing signs of ill health or of being infected with a dangerous disease).

SECT. 56 revised, 1938, 265 § 4.

SECT. 58 amended, 1932, 127 § 8; revised, 1935, 287.

SECT. 66, paragraph added at end, 1937, 281.

SECT. 68 revised, 1934, 97 § 1. (See 1934, 97 § 2.)

SECT. 69 revised, 1935, 258.

SECT. 71 amended, 1935, 193.

Chapter 73. — State Teachers Colleges (former title, State Normal Schools).

Title changed, 1932, 127 § 9.

SECT. 1 amended, 1932, 127 § 10.

SECT. 2 amended, 1932, 127 § 11.

SECT. 2A added, 1938, 246 § 2 (making the constitutions of the United States and of this Commonwealth required subjects of instruction in State Teachers Colleges).

SECT. 3 amended, 1932, 127 § 12.

SECT. 4 amended, 1932, 127 § 13.

SECT. 4A amended, 1932, 127 § 14.

SECT. 5 amended, 1932, 127 § 15. (Temporarily affected, 1933, 233; 1934, 130; 1935, 277.)

SECT. 6 amended, 1932, 127 § 16.

SECT. 7 amended, 1932, 127 § 17; revised, 1935, 21.

Chapter 74. — Vocational Education.

SECT. 1 revised, 1938, 446 § 1. (See 1938, 446 § 14.)

SECT. 2 amended, 1938, 446 § 2. (See 1938, 446 § 14.)

SECT. 3 amended, 1938, 446 § 3. (See 1938, 446 § 14.)

SECT. 4 amended, 1938, 446 § 4. (See 1938, 446 § 14.)

SECT. 6 amended, 1938, 446 § 5. (See 1938, 446 § 14.)

SECT. 7 amended, 1938, 446 § 6. (See 1938, 446 § 14.)

SECT. 8A revised, 1937, 323.

SECT. 9 amended, 1938, 446 § 7. (See 1938, 446 § 14.)

SECT. 11 amended, 1933, 102 § 2. (See 1933, 102 § 4.)

SECT. 13 amended, 1938, 446 § 8. (See 1938, 446 § 14.)

SECT. 19 revised, 1938, 446 § 9. (See 1938, 446 § 14.)

SECT. 21 amended, 1938, 446 § 10. (See 1938, 446 § 14.)

SECT. 22 amended, 1938, 446 § 11. (See 1938, 446 § 14.)

SECT. 22A amended, 1938, 446 § 12. (See 1938, 446 § 14.)

SECT. 23 repealed, 1933, 102 § 3. (See 1933, 102 § 4.)

SECT. 30 amended, 1937, 41.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school).

SECT. 47E, new paragraph added at end, 1935, 22.

Chapter 75. — Massachusetts State College.

SECT. 5 revised, 1935, 288.

SECT. 6 amended, 1935, 462 § 2. (See 1935, 462 § 1.)

Chapter 76. — School Attendance.

SECT. 15 revised, 1938, 265 § 5.

Chapter 77. — School Offenders and County Training Schools.

For legislation requiring the closing of the Norfolk, Bristol and Plymouth union training school, see 1933, 295 § 2.

SECT. 1 revised, 1933, 295 § 1.

Chapter 78. — Libraries.

SECT. 4 revised, 1935, 202.

Chapter 79. — Eminent Domain.

SECT. 3, first paragraph amended, 1938, 172 § 6.

SECT. 8 amended, 1936, 187 § 1.

SECT. 9, last sentence amended, 1938, 172 § 7.

SECT. 15 repealed, 1936, 385 § 1. (See 1936, 385 § 2.)

SECT. 16 amended, 1936, 187 § 2; 1938, 185.

SECT. 44A added, 1935, 189 (relative to certain tax liens upon real estate taken by right of eminent domain); amended, 1936, 137.

Chapter 80. — Betterments.

SECT. 1 amended, 1933, 254 § 62. (See 1933, 254 § 66.)

SECT. 4 revised, 1933, 63 § 1.

SECT. 5 amended, 1933, 157 § 2. (See 1933, 157 § 3.)

SECT. 10 revised, 1933, 147.

SECT. 10A added, 1933, 157 § 1 (providing that failure of a board of officers to take action upon a petition for abatement of a betterment assessment shall, for the purposes of appeal, be equivalent to refusal to abate the assessment). (See 1933, 157 § 3.)

SECT. 13 amended, 1933, 63 § 2, 254 § 63; revised, 1934, 315 § 1; last sentence stricken out and new paragraph added, 1938, 489 § 1. (See 1933, 254 § 66; 1934, 315 § 3.)

Chapter 81. — State Highways.

SECT. 5 revised, 1937, 218 § 1.

SECT. 7A added, 1937, 344 (granting certain powers to the department of public works with respect to certain ways connecting with state highways).

SECT. 8 revised, 1936, 371; amended, 1937, 218 § 2.

SECT. 13A added, 1936, 342 (authorizing the department of public works to accept in behalf of the commonwealth gifts of certain easements for the purpose of landscaping along state highways, and to do such landscaping).

SECT. 19, last four sentences stricken out, 1933, 187 § 1. (See 1933, 187 § 2.)

SECT. 26 amended, 1934, 366.

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 7 amended, 1933, 283 § 2.

SECT. 32B added, 1933, 283 § 3 (authorizing the taking of easements of slope, so called, by county, city or town officers in connection with the laying out, widening, altering or relocating of public ways).

SECT. 34 amended, 1935, 309.

Chapter 84. — Repair of Ways and Bridges.

SECT. 18 revised, 1933, 114 § 1.

SECT. 19 amended, 1933, 114 § 2.

SECT. 20 revised, 1933, 114 § 3.

SECT. 25. Temporarily affected, 1934, 163.

Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.

SECT. 14B added, 1938, 432 (requiring the use of certain signal lights at locations on unlighted ways where certain vehicles are disabled).

SECT. 17B added, 1933, 43 (prohibiting riding upon the rear or on the side of street railway cars or motor buses without the consent of the persons in charge thereof).

SECT. 30 amended, 1935, 30; 1938, 171 § 1.

SECT. 31 revised, 1938, 171 § 2.

Chapter 89. — Law of the Road.

SECT. 2 revised, 1933, 301.

SECT. 5 amended, 1936, 49. (See 1938, 149.)

SECT. 7B added, 1934, 382 (relative to the application of traffic laws and regulations to fire apparatus and other emergency vehicles).

Chapter 90. — Motor Vehicles and Aircraft.

SECT. 1, paragraph (defining "motor vehicles") amended, 1932, 182; 1938, 36; paragraph in lines 41-45 (defining "register number") re-

vised, 1935, 43; two paragraphs (defining "semi-trailer" and "semi-trailer unit") added, 1933, 332 § 1; paragraph (defining "school bus") added, 1932, 271 § 1; paragraph in lines 52-56 stricken out, and two paragraphs (defining "tractor" and "trailer") inserted, 1933, 332 § 2. (See 1932, 271 § 7; 1933, 332 § 5.)

SECT. 1A amended, 1933, 372 § 3; 1934, 264 § 2.

SECT. 2, fourth paragraph revised, 1932, 5; last paragraph revised, 1933, 54.

SECT. 3, first sentence revised, 1933, 188.

SECT. 3C revised, 1937, 387.

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109. (See 1932, 123 § 2.)

SECT. 7A revised, 1932, 41, 271 § 2. (See 1932, 271 § 7.)

SECT. 7B added, 1932, 271 § 3 (prerequisites to operation of school bus). (See 1932, 271 § 7.)

SECT. 8 amended, 1934, 103; 1937, 284.

SECT. 9 amended, 1934, 361.

SECT. 9A revised, 1932, 168 § 1; 1935, 393 § 1. (See 1932, 168 §§ 2, 3; 1935, 393 § 2.)

SECT. 10 amended, 1935, 219.

SECT. 14 amended, 1938, 166.

SECT. 15 amended, 1932, 271 § 5; 1933, 26 § 1. (See 1932, 271 § 7.)

SECT. 17, sentence added at end, 1932, 271 § 4. (See 1932, 271 § 7.)

SECT. 19, last sentence revised, 1933, 332 § 3; 1935, 223 § 1; section revised, 1935, 326 (but see 1935, 465); amended, 1936, 388 § 1. (See 1933, 332 § 5; 1935, 223 § 2; 1936, 388 § 2.)

SECT. 20A added, 1934, 368 § 1 (providing for the non-criminal disposition of charges for violation of motor vehicle parking rules, regulations, orders, ordinances and by-laws); revised, 1935, 176; first paragraph revised, 1938, 201. (See 1934, 368 § 2.)

SECT. 21 amended, 1936, 406.

SECT. 22, two paragraphs added at end, 1933, 191.

SECT. 22A added, 1932, 304 § 1 (requiring the suspension of licenses to operate motor vehicles issued to persons who do not satisfy judgments in motor vehicle accident cases involving property damage). (See 1932, 304 § 2.)

SECT. 23, new paragraph added at end, 1933, 69.

SECT. 24 amended, 1932, 26 § 1; first sentence amended, 1936, 182 § 1; sentence contained in lines 65-97 amended, 1935, 360; paragraph added at end, 1936, 182 § 2; section revised, 1936, 434 § 1; paragraph (2) (a) amended, 1937, 230 § 1; paragraph (2) (c) amended, 1937, 117; paragraph (1) (a) amended, 1938, 145. (See 1937, 230 § 2.)

SECT. 29, last sentence amended, 1932, 26 § 2; section amended, 1935, 477 § 1; second sentence revised, 1936, 391; last two sentences revised, 1938, 146.

SECT. 32B repealed, 1934, 209 § 2. (See 1934, 209 § 3.)

SECTS. 32C-32F added, 1934, 209 § 1 (further regulating the business of leasing motor vehicles upon a mileage basis). (See 1934, 209 § 3.)

SECT. 33, first four paragraphs stricken out, and five new paragraphs inserted, 1932, 249 § 1; fourth paragraph (as appearing in 1932, 249 § 1) amended, 1933, 183 § 1; paragraph in lines 21-41 amended, 1932, 180 § 12; same paragraph stricken out, and two paragraphs inserted, 1933,

332 § 4; two paragraphs so inserted stricken out, and new paragraph inserted, 1935, 409 § 1; the paragraph so inserted amended, 1936, 380 § 1; subdivisions (2) and (3) of the paragraph so inserted revised, 1937, 377; subdivision (3) of said paragraph amended, 1938, 430; last paragraph amended, 1936, 401. (See 1932, 249 § 2; 1933, 183 § 2, 332, § 5; 1935, 409 § 2; 1936, 380 § 2.)

SECT. 34, four words stricken out, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1. (See 1934, 364 § 3.)

SECT. 34A, new paragraph (defining "guest occupant") added, 1935, 459 § 1; paragraphs defining "motor vehicle liability bond" and "motor vehicle liability policy" revised, 1935, 459 § 2. (See 1935, 459 § 5.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; 1935, 302; fourth paragraph revised, 1933, 83 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13.

SECT. 34D revised, 1935, 459 § 3. (See 1935, 459 § 5.)

SECT. 34H, first paragraph amended, 1933, 119 § 4; new paragraph inserted, 1933, 119 § 5. (See 1933, 119 § 6.)

SECTS. 35-60 stricken out, and new sections 35-50 (uniform aeronautical code) inserted, 1935, 418 § 2.

SECT. 36 revised, 1938, 417 § 1.

SECT. 37 revised, 1938, 417 § 2.

SECT. 38 revised, 1938, 417 § 3.

SECT. 39 revised, 1938, 417 § 4.

SECT. 40 revised, 1938, 417 § 5.

SECT. 41 revised, 1938, 417 § 6.

SECT. 42 revised, 1938, 417 § 7.

SECT. 43 revised, 1938, 417 § 8.

SECT. 43A added, 1938, 417 § 9 (relative to the powers and duties of police and certain other officers as to aircraft accidents and violations of the laws, rules and regulations relative to aircraft).

SECT. 44 revised, 1938, 417 § 10.

SECT. 45 revised, 1938, 417 § 11.

SECT. 46 revised, 1938, 417 § 12.

SECT. 53, last sentence amended, 1932, 180 § 14. Section stricken out, 1935, 418 § 2, see *supra*.

Chapter 91. — Waterways.

SECT. 9A added, 1938, 407 § 2 (providing a method for the development of waterfront terminal facilities).

SECT. 27, paragraph added at end, 1937, 372 § 2.

SECT. 46A added, 1935, 362 § 1 (penalizing the unlicensed breaking up or altering of vessels, scows, lighters or certain other structures).

SECT. 49 revised, 1935, 362 § 2.

Chapter 92. — Metropolitan Sewers, Water and Parks.

For legislation including a certain portion of Lexington in the north metropolitan sewerage system, see 1934, 225.

SECT. 48 amended, 1934, 266 § 1. (See 1934, 266 § 4.)

SECT. 56 revised, 1933, 197 § 1.

SECT. 57 amended, 1933, 197 § 2.

SECT. 60A added, 1937, 352 § 1 (regulating the making and awarding of certain contracts by the metropolitan district commission and metropolitan district water supply commission). (See 1937, 352 § 2.)

SECT. 62 revised, 1938, 396.

SECT. 62A added, 1937, 416 § 1 (providing for a reserve police force for the metropolitan district commission). (See 1937, 416 § 5.)

SECT. 63 repealed, 1937, 416 § 2. (See 1937, 416 § 5.)

SECT. 93 amended, 1934, 266 § 2. (See 1934, 266 § 4.)

SECT. 94 amended, 1934, 266 § 3. (See 1934, 266 § 4.)

Chapter 93. — Regulation of Trade and Certain Enterprises.

SECT. 8, sentence added at end, 1938, 410 § 2.

SECTS. 14A-14D added, under heading "FAIR TRADE", 1937, 398 (protecting trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a trade mark, brand or name).

SECTS. 14E-14K added, under heading "UNFAIR SALES", 1938, 410 § 1 (defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale, or the selling below cost, of merchandise for the purpose of injuring competitors or destroying competition).

SECTS. 28A-28D added, under heading "REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES", 1938, 165.

Chapter 94. — Inspection and Sale of Food, Drugs and Various Articles.

SECT. 1, paragraph in lines 128-132 (defining "pasteurized milk") revised, 1932, 158; section amended in part, 1933, 67 §§ 1-5; paragraph (defining "milk plant" and "manufactory") added, 1933, 338 § 1; paragraph in lines 30-36 (defining "butter" and "cheese") stricken out and new paragraph defining "butter" inserted, 1937, 335 § 1; paragraph in line 40 reading, "cheese", see "butter", stricken out and four new paragraphs inserted, 1937, 335 § 2 (defining cheese and cream cheese); paragraph (defining "bakery") amended, 1937, 362 § 1; paragraphs in lines 148-164 (defining "agricultural seeds" or "agricultural seed", "noxious weed seeds" and "weed seeds") revised and definition of "vegetable seeds" added, 1938, 363 § 1. (See 1937, 362 § 7.)

SECT. 6 amended, 1937, 362 § 2. (See 1937, 362 § 7.)

SECT. 8 revised, 1937, 53.

SECTS. 9A-9M added, 1937, 362 § 3 (changing the position in the General Laws of certain provisions of law relative to bakeries). (For prior legislation, see G. L. chap. 111 §§ 34-43, 46-49, repealed by 1937, 362 § 6.) (See 1937, 362 §§ 6, 7.)

SECT. 10 amended, 1937, 362 § 4. (See 1937, 362 § 7.)

SECTS. 10A-10E stricken out, and new sections 10A-10G (regulating the manufacture, bottling and sale of certain non-alcoholic beverages) inserted, 1935, 441.

SECTS. 12-48A. For temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see 1934, 376; term of office of said board extended, 1936, 300; 1938, 334; powers and duties of the milk control board further defined, 1937, 428; 1938, 279.

SECTS. 13, 14, 14A and 15 stricken out, and new sections 13-13E (relative to the grading of milk) inserted, 1933, 263 § 1. (See 1933, 263 § 3.)

SECT. 16 stricken out and sections 16-16I (regulating the production, sale and distribution of milk) inserted, 1932, 305 § 3. (See 1932, 305 §§ 5, 6.)

SECT. 17A amended, 1933, 124.

SECT. 18 revised, 1933, 263 § 2. (See 1933, 263 § 3.)

SECT. 29A revised, 1933, 253.

SECT. 30 revised, 1933, 253.

SECT. 31 revised, 1933, 253.

SECT. 42A stricken out, and new sections 42A-42K (requiring dealers in milk or cream to be licensed and bonded) inserted, 1933, 338 § 2.

SECT. 42A amended, 1935, 126.

SECT. 42F revised, 1934, 180 § 1.

SECT. 42H, paragraph 2 revised, 1934, 180 § 2.

SECT. 43 revised, 1932, 305 § 4; amended, 1935, 88; first paragraph amended, 1936, 210. (See 1932, 305 §§ 5, 6.)

SECT. 45 revised, 1935, 317.

SECT. 48B added, 1935, 259 (requiring institutions supported wholly or in part by funds of the commonwealth to use milk, other than cream and certified milk, produced within the commonwealth).

SECT. 50 amended, 1937, 335 § 3.

SECT. 60 revised, 1934, 373 § 2.

SECT. 61A added, 1937, 335 § 4 (relative to the manufacture and sale of certain cheeses).

SECTS. 64, 64A, 65, 65A, 65B, 65E and 65F, and the caption of said section 64, stricken out, and sections 65G-65S inserted, under caption "FROZEN DESSERTS AND ICE CREAM MIX", 1934, 373 § 1. (See 1934, 373 § 8.)

SECT. 65J, second paragraph revised, 1937, 341 § 1.

SECT. 65L, subdivision (c) amended, 1937, 341 § 2.

SECT. 65P, paragraph (f) added at end, 1937, 341 § 3.

SECT. 74 revised, 1933, 329 § 5.

SECT. 74A added, 1933, 329 § 6 (definition of "fish").

SECTS. 75 and 76 repealed, 1933, 329 § 7.

SECT. 77, first sentence stricken out, 1933, 329 § 8.

SECT. 77A added, 1934, 216 (regulating the importation of fresh swordfish).

SECT. 78 revised, 1933, 329 § 9.

SECT. 78A added, 1933, 329 § 10 (prohibiting certain misrepresentations in the sale of lobsters).

SECT. 79 repealed, 1933, 329 § 7.

SECT. 81 revised, 1933, 329 § 11.

SECT. 83 revised, 1933, 329 § 12.

SECT. 88A revised, 1933, 329 § 13.

SECT. 88B added, 1936, 176 (requiring that shucked scallops and quahaugs in the shell be sold only by weight).

SECT. 90A added, 1935, 369 (relative to the sale and distribution of eggs).

SECT. 90B added, 1938, 404 (establishing standard sizes in connection with the sale and distribution of eggs).

SECT. 92B added, under caption "MEATS AND POULTRY", 1935, 97 (requiring the retail sale of meats and poultry to be by weight).

SECT. 123 amended, 1932, 180 § 15.

SECT. 146, first paragraph amended, 1934, 340 § 6. (See 1934, 340 § 18.)

SECT. 148, second paragraph amended, 1934, 340 § 6A. (See 1934, 340 § 18.)

SECTS. 152A-152C added, 1934, 296 (relative to the sale and transportation of poultry).

SECT. 152A amended, 1935, 157 § 1.

SECT. 152B revised, 1935, 157 § 2.

SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311.

SECT. 185A repealed, 1937, 341 § 4.

SECT. 197, paragraph in lines 10-15 revised, 1935, 412 § 1.

SECT. 198 amended, 1935, 412 § 2.

SECTS. 198A and 198B added, 1935, 412 § 3 (relative to the licensing of certain dealings in narcotic drugs).

SECT. 201 amended, 1935, 412 § 4.

SECT. 203 amended, 1935, 412 § 5.

SECT. 206 amended, 1935, 412 § 6.

SECT. 211 amended, 1935, 412 § 7; revised, 1938, 321 § 1.

SECT. 212 amended, 1938, 321 § 2.

SECT. 212A added, 1938, 321 § 3 (providing for the arrest without a warrant and punishment of a person present where a narcotic drug is unlawfully kept or deposited).

SECT. 214 amended, 1935, 412 § 8.

SECT. 215 amended, 1935, 412 § 9.

SECT. 217 amended, 1935, 412 § 10.

SECT. 245 revised, 1933, 94 § 2.

SECT. 248 amended, 1934, 184.

SECT. 249G added, under caption "MATERIAL FOR ROAD CONSTRUCTION", 1933, 94 § 1 (authorizing certain officers to direct the weighing of material for road construction).

SECT. 250 revised, 1933, 67 § 6.

SECT. 252 amended, 1933, 67 § 7.

SECT. 254 amended, 1933, 67 § 8.

SECT. 255 amended, 1933, 67 § 9.

SECT. 256 revised, 1933, 67 § 10.

SECT. 257 revised, 1933, 67 § 11.

SECT. 258 revised, 1933, 67 § 12.

SECT. 261A amended, 1938, 363 § 2.

SECT. 261B amended, 1938, 363 § 3.

SECT. 261C revised, 1938, 363 § 4.

SECT. 261D revised, 1938, 363 § 5.

SECT. 261E, paragraph added at end, 1938, 363 § 6.

SECTS. 261H-261L stricken out, and new sections 261H-261L inserted, 1937, 288 § 1. (See 1937, 288 § 2.)

SECT. 261H, paragraph added at end, 1938, 363 § 7.

SECT. 261K amended, 1938, 363 § 8.

SECT. 261L revised, 1938, 363 § 9.

SECT. 270, paragraph added at end, 1937, 176.

SECTS. 270A and 270B added, 1935, 439 (providing for the sterilization of feathers, down and second-hand material intended for use in the manufacture of any article of bedding or of upholstered furniture).

SECT. 295A added, under heading "PETROLEUM PRODUCTS", 1933, 228 (relative to prevention of fraud and misrepresentation in the sale of gasoline, lubricating oils and other motor fuels, and to prevention of the adulteration thereof).

SECTS. 295B and 295C added, 1938, 411 (prohibiting and penalizing the use of misleading signs relating to the price of gasoline and other motor fuel).

SECT. 298 amended, 1934, 109 § 1.

SECT. 299 amended, 1934, 109 § 2.

SECTS. 303A-303E added, under caption "METHYL OR WOOD ALCOHOL", 1934, 372 § 3 (relative to such alcohol and to certain preparations containing such alcohol).

SECT. 303A amended, 1935, 342; 1936, 53.

SECT. 303B amended, 1937, 177 § 1.

SECT. 303C revised, 1937, 177 § 2.

SECT. 303F added, under caption "FUEL OILS", 1935, 95 (regulating the sale of fuel oils).

SECT. 305A amended, 1937, 362 § 5. (See 1937, 362 § 7.)

Chapter 98. — Weights and Measures.

SECT. 14A amended, 1936, 73.

SECT. 20 amended, 1934, 373 § 3.

SECT. 21 amended, 1934, 373 § 4.

SECT. 30 repealed, 1935, 60 § 2.

SECT. 32 amended, 1935, 60 § 3.

SECT. 37 amended, 1936, 72.

SECT. 56, paragraph ($b\frac{1}{2}$) added, 1934, 98 (establishing fees for sealing certain liquid-measuring meters); section revised, 1937, 74; paragraph ($b\frac{1}{2}$) added, 1937, 305 § 1. (See 1937, 305 § 2.)

Chapter 100. — Auctioneers.

SECT. 1, paragraph added at end, 1936, 209 § 1.

SECT. 5 amended, 1932, 156 § 1.

SECT. 14 revised, 1932, 156 § 2.

SECT. 16 revised, 1932, 156 § 3.

SECTS. 18-21 added, 1936, 209 § 2 (relative to bankruptcy auctions and other auctions of similar type and relative to certain fraudulent practices at auctions).

Chapter 101. — Transient Vendors, Hawkers and Pedlers.

SECT. 1, second paragraph revised, 1936, 218.

SECT. 5 amended, 1933, 254 § 64. (See 1933, 254 § 66.)

SECT. 6A added, 1938, 85 (providing that applications for transient vendors' licenses shall contain irrevocable power of attorney for service of process, and providing for service of process under authority thereof).

SECT. 15 amended, 1937, 214; revised, 1937, 333.

SECT. 16 revised, 1935, 42; amended, 1937, 130.

SECT. 19 amended, 1934, 114; 1937, 73.

SECT. 24 amended, 1936, 74.

SECT. 30 amended, 1934, 77.

Chapter 102. — Shipping and Seamen, Harbors and Harbor Masters.

SECT. 15 revised, 1932, 232 § 1.

SECT. 15A added, 1932, 232 § 2 (penalty for improper operation of motor and other boats).

SECT. 17 revised, 1932, 57.

Chapter 105. — Public Warehouses.

SECT. 1 amended, 1935, 310 § 1.

SECTS. 2A and 2B added, 1935, 122 § 1 (relative to the termination of liability of sureties on bonds furnished by public warehousemen). (See 1935, 122 § 3.)

SECT. 6 revised, 1935, 122 § 2. (See 1935, 122 § 3.)

SECT. 9, clause (*h*) revised, 1935, 310 § 2.

Chapter 108A. — Partnerships.

SECT. 34, first paragraph amended, 1932, 180 § 16.

Chapter 110. — Labels, Trade Marks, Names and Registration Thereof.

SECT. 21 amended, 1934, 373 § 5.

Chapter 110A. — Promotion and Sale of Securities.

Chapter stricken out and new chapter inserted, 1932, 290 § 1. (See 1932, 290 §§ 3, 4.)

The following references are to the new chapter 110A:

SECT. 2, paragraph (*c*) amended, 1936, 316; 1938, 445 § 2; paragraph (*f*) revised, 1938, 445 § 3.

SECT. 4, paragraph (*g*) revised, 1938, 445 § 4; paragraph (*j*) added, 1938, 445 § 5.

SECT. 5, paragraph inserted before the last paragraph, 1938, 445 § 6.

SECT. 9, last sentence stricken out, 1938, 445 § 7.

SECT. 10, fourth sentence stricken out and two new sentences inserted, 1938, 445 § 8.

SECT. 11A added, 1938, 445 § 9 (regulating the sale by a corporation of its securities to employees). [For prior legislation, see General Laws, chapter 155 § 23A, repealed by 1938, 440 § 13.]

SECT. 12 revised, 1938, 445 § 10.

SECT. 12A added, 1938, 445 § 11 (relative to the modifying or annulling by the commission of orders or findings made by the director of the securities division and to review of such action).

SECT. 13 amended, 1936, 68.

SECT. 18 revised, 1938, 445 § 12.

Chapter 111. — Public Health.

SECT. 1, paragraph added at end, 1938, 265 § 6.

SECT. 6 revised, 1938, 265 § 7.

SECT. 11 revised, 1934, 328 § 1.

SECT. 15 amended, 1934, 340 § 7. (See 1934, 340 § 18.)

SECT. 16 amended, 1934, 340 § 8. (See 1934, 340 § 18.)

SECT. 17 amended, 1937, 340.

SECT. 24 amended, 1937, 365.

SECT. 27A revised, 1932, 209.

SECT. 31 amended, 1937, 285.

SECT. 31A stricken out, and new sections 31A and 31B inserted, 1937, 282.

SECTS. 34-43 and 46-49, and the caption preceding section 34, repealed, 1937, 362 § 6. (See 1937, 362 §§ 1-5, 7.)

SECT. 65A amended, 1936, 346 § 1. (See 1936, 346 § 2.)

SECT. 66 amended, 1934, 219. (See 1936, 346 § 2.)

SECT. 66A added, 1937, 392 (permitting the admission to state sanatoria and county tuberculosis hospitals, for purposes of diagnosis and observation, of certain patients with diseases of the lungs other than recognizable tuberculosis).

SECTS. 67A-67D added, under caption "CARE OF CERTAIN INFANTS PREMATURELY BORN", 1937, 332.

SECT. 69A amended, 1936, 337 § 1.

SECT. 69C amended, 1936, 337 § 2.

SECTS. 78-90 affected (as to district of Chelsea, Revere and Winthrop), 1934, 78.

SECT. 78. See 1935, 52.

SECT. 79 revised, 1936, 343.

SECT. 83A added, 1933, 318 § 6 (relative to the indemnification or protection of officers and employees of tuberculosis hospital districts in connection with actions for personal injuries arising out of the operation of vehicles owned by such districts); amended, 1934, 291 § 5. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 85A revised, 1932, 65.

SECT. 96 revised, 1938, 265 § 8.

SECT. 96A added, 1938, 265 § 9 (regulating the transportation to another town of a person infected with a disease dangerous to public health).

SECT. 97 revised, 1938, 265 § 10.

SECT. 104 revised, 1938, 265 § 11.

SECT. 107 revised, 1938, 265 § 12.

SECT. 109 revised, 1938, 265 § 13.

SECT. 109A added, 1936, 115 (relative to the treatment of infants' eyes at time of birth).

SECT. 110, second sentence amended, 1932, 180 § 17.

SECT. 111 revised, 1938, 265 § 14.

SECT. 112 amended, 1938, 265 § 15.

SECT. 113 revised, 1938, 265 § 16.

SECT. 116A added, under caption "CHRONIC RHEUMATISM", 1937, 393 (providing for the hospitalization of patients with chronic rheumatism).

SECT. 117 revised, 1935, 155; 1937, 391.

SECT. 118 amended, 1933, 44.

SECT. 127 revised, 1937, 339.

SECT. 141 revised, 1937, 278.

SECT. 143 revised, 1933, 269 § 2.

SECT. 154 amended, 1934, 340 § 9. (See 1934, 340 § 18.)

SECT. 173A added, 1938, 293 (extending the jurisdiction of certain police officers employed to protect public sources of water supply from pollution).

SECTS. 176-180 repealed, 1938, 265 § 17.

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 2, second sentence revised, 1933, 171 § 1, 1936, 247 § 1; three paragraphs added at end of section, 1936, 247 § 2; section amended, 1938, 210. Affected, 1938, 259. (See 1933, 171 § 2; 1936, 247 §§ 3-6.)

SECT. 5 revised, 1937, 425 § 12. (See 1937, 425 § 15.)

SECT. 9 revised, 1933, 152.

SECT. 13 amended, 1937, 425 § 2. (See 1937, 425 § 15.)

SECT. 14 amended, 1937, 425 § 3. (See 1937, 425 § 15.)

SECT. 15 amended, 1937, 425 § 4. (See 1937, 425 § 15.)

SECT. 16 revised, 1937, 425 § 5. (See 1937, 425 § 15.)

SECT. 17 revised, 1937, 425 § 6. (See 1937, 425 § 15.)

SECT. 17A added, 1937, 425 § 7 (defining certain duties of the board of registration in chiropody (podiatry)). (See 1937, 425 § 15.)

SECT. 18 amended, 1937, 425 § 8. (See 1937, 425 § 15.)

SECT. 19 amended, 1937, 425 § 9. (See 1937, 425 § 15.)

SECT. 20 amended, 1937, 425 § 10. (See 1937, 425 § 15.)

SECT. 21 amended, 1937, 425 § 11. (See 1937, 425 § 15.)

SECT. 23 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECT. 24 amended, 1932, 227; 1933, 126; 1937, 343 § 1.

SECT. 27 revised, 1934, 328 § 2; amended, 1937, 343 § 2.

SECT. 30 amended, 1937, 343 § 3.

SECT. 32 amended, 1934, 328 § 3.

SECT. 34 amended, 1934, 328 § 4.

SECT. 35 amended, 1934, 328 § 5; 1935, 306; 1937, 343 § 4.

SECT. 36 revised, 1934, 328 § 6.

SECT. 38 revised, 1934, 236.

SECT. 40 amended, 1934, 328 § 6A; 1937, 343 § 5.

SECT. 42A added, 1937, 343 § 6 (relative to the retail drug business and pharmacy).

SECT. 45, second sentence amended, 1932, 180 § 18.

SECT. 46, clause Third amended, 1934, 108.

SECT. 50 amended, 1935, 344.

SECTS. 52A and 52B added, 1934, 281 (relative to methods and practices of dentists and dental hygienists).

SECT. 52A revised, 1937, 253.

SECT. 55 amended, 1937, 66.

SECTS. 66-73 stricken out, and new sections 66-73 inserted, 1934, 339 § 2.

SECT. 72 amended, 1938, 434 § 1. (See 1938, 434 § 4.)

SECT. 73 amended, 1938, 434 § 2. (See 1938, 434 § 4.)

SECT. 73A added, 1937, 287 § 1 (regulating advertising in connection with the sale of eyeglasses, lenses or eyeglass frames). (See 1937, 287 § 2.)

SECT. 73B added, 1938, 434 § 3 (further regulating optometrists with respect to premises where practice to be carried on and to the sharing of their fees). (See 1938, 434 § 4.)

SECTS. 82-87, and caption before said section 82, stricken out, and new sections 82-87 inserted, under caption "REGISTRATION OF EMBALMERS AND FUNERAL DIRECTORS", 1936, 407 § 3. (See 1936, 407, §§ 5-8.)

SECT. 87 amended, 1937, 13.

SECTS. 87F-87S. See 1937, 184.

SECT. 87F, paragraph contained in lines 4-9 revised, 1934, 260 § 1.

SECT. 87H, four sentences added at end, 1934, 260 § 2; section amended, 1936, 314 § 1; second paragraph amended, 1937, 94.

SECT. 87I amended, 1936, 314 § 2.

SECT. 87K, paragraph added at end, 1936, 314 § 3.

SECT. 87M amended, 1936, 314 § 4.

SECT. 87O amended, 1933, 149 § 2. (See 1933, 149 § 3.)

SECT. 87P amended, 1934, 260 § 3.

SECT. 87R amended, 1936, 314 § 5.

SECTS. 87T-87JJ added, under caption "REGISTRATION OF HAIRDRESSERS", 1935, 428 § 2. (See 1935, 428 §§ 6, 7.)

SECT. 87U amended, 1937, 385 § 2.

SECT. 87V amended, 1937, 385 § 3.

SECT. 87W amended, 1937, 385 § 4.

SECT. 87Z amended, 1937, 385 § 5.

SECT. 87BB amended, 1937, 385 § 6.

SECT. 87EE revised, 1937, 385 § 7.

SECT. 87II amended, 1937, 385 § 8.

Chapter 114. — Cemeteries and Burials.

SECT. 1 amended, 1936, 319 § 1. (See 1936, 319 § 7.)

SECT. 6 amended, 1936, 319 § 2. (See 1936, 319 § 7.)

SECT. 7 revised, 1936, 319 § 3. (See 1936, 319 § 7.)

SECT. 8 revised, 1936, 319 § 4. (See 1936, 319 § 7.)

SECT. 9 amended, 1936, 319 § 5. (See 1936, 319 § 7.)

SECT. 25 amended, 1934, 85 § 1. (See 1934, 85 § 2.)

SECTS. 43A-43N added, under caption "MISCELLANEOUS PROVISIONS", 1936, 319 § 6 (relative to the ownership, maintenance and operation of cemeteries and crematories and to the disposal of dead human bodies). (See 1936, 319 § 7.)

SECT. 49 revised, 1936, 407 § 4. (See 1936, 407 §§ 5-8.)

Chapter 115. — State and Military Aid, Soldiers' Relief, etc.

SECT. 2A added, 1932, 113 (requiring the furnishing of information to the commissioner of state aid and pensions by certain banks and other depositories relative to certain deposits therein).

SECT. 7 amended, 1937, 273 § 1; revised, 1938, 316 § 1.

SECT. 12A added, 1933, 363 (making certain Massachusetts veterans receiving hospital treatment outside the commonwealth eligible to receive military aid).

SECT. 15 amended, 1932, 106.

SECT. 17, first paragraph amended, 1936, 77; paragraph added, 1932, 63.

SECT. 18, sentence added at end of first paragraph, 1933, 323; paragraph added at end, 1932, 270.

SECT. 19 amended, 1932, 250; 1934, 336 § 1; 1937, 273 § 2; revised, 1938, 316 § 2.

SECT. 20 amended, 1932, 251; 1934, 336 § 2.

Chapter 116. — Settlement.

SECT. 2 revised, 1933, 213.

Chapter 117. — Support by Cities and Towns.

SECT. 1 amended, 1934, 124.

SECT. 2A added, 1933, 181 (authorizing local boards of public welfare to aid needy persons in the cultivation of vegetable gardens).

SECT. 3A added, 1937, 277 (protecting needy persons from the public view while applying for public relief and support).

SECT. 5 amended, 1937, 125.

SECT. 6 revised, 1936, 108.

SECT. 6A added, 1938, 211 (preventing discrimination against certain persons with respect to the payment of welfare relief).

SECT. 14 revised, 1937, 113; amended, 1938, 275.

SECT. 16 repealed, 1936, 328.

SECT. 18 amended, 1934, 45; 1938, 425.

SECT. 18A added, 1938, 465 (relative to the payment by cities and towns of the expense of the funeral and burial of certain poor and indigent persons).

SECT. 19, paragraph added at end, 1937, 86.

SECT. 24 revised, 1935, 164.

SECT. 35 amended, 1932, 180 § 19.

SECTS. 44-46 added, 1938, 476 (authorizing the establishment of public welfare districts in cities and towns).

Chapter 118. — Aid to Dependent Children (former title, Aid to Mothers with Dependent Children).

The following reference is to chapter 118, as appearing in the Tercentenary Edition:

SECT. 1 revised, 1935, 494 § 2. (See 1935, 494 § 1.)

Chapter stricken out and new chapter (with new title) inserted, 1936, 413 § 1. (See 1936, 413 § 2.)

Chapter 118A. — Adequate Assistance to Certain Aged Citizens.

The following references are to chapter 118A, as appearing in the Tercentenary Edition:

SECT. 1 amended, 1933, 219; revised, 1933, 328; amended, 1935, 494 § 3. (See 1934, 374 § 3 subsection 15; 1935, 494 § 1.)

SECT. 2A added, 1933, 285 (providing for appeals by persons aggrieved by failure of cities and towns to render old age assistance).

SECT. 3 revised, 1932, 259 § 3.

Chapter stricken out and new chapter 118A inserted, 1936, 436 § 1. (See 1936, 436 § 4.)

SECT. 1 amended, 1937, 440 § 1; last sentence amended, 1938, 274.

SECT. 2 revised, 1937, 440 § 2.

SECT. 3 revised, 1937, 440 § 3; last sentence revised, 1938, 285.

SECT. 4 amended, 1938, 467.

SECT. 5 revised, 1938, 408.

SECT. 6A added, 1937, 165 (permitting recipients of old age assistance, so called, to leave the commonwealth without suspension of such assistance).

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 12 revised, 1932, 180 § 20.

SECT. 60 stricken out and new sections 60 and 60A inserted, 1938, 174 § 1 (relative to the use of information and records in cases of waywardness or delinquency).

SECT. 63 revised, 1932, 95 § 1.

SECT. 65 amended, 1932, 95 § 2.

SECT. 74 amended, 1933, 196 § 1.

SECT. 75 amended, 1933, 196 § 2.

Chapter 120. — Massachusetts Training Schools.

SECT. 21, first sentence amended, 1932, 180 § 21.

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

SECT. 8A added, 1935, 311 § 2 (relative to funds received by the director of the division of aid and relief for the benefit of persons under the care and supervision of the department).

SECT. 9A added, 1934, 167 (relative to the interstate transportation of poor and indigent persons).

SECT. 23 (and caption) amended, 1933, 364 § 2; section amended, 1935, 449 § 2; revised, 1935, 475 § 3. (See 1933, 364 § 8.)

SECT. 24 amended, 1933, 364 § 3. (See 1933, 364 § 8.)

SECT. 24A added, 1935, 449 § 2A (authorizing the acceptance and use by the state board of housing of grants of federal funds).

SECT. 24B added, 1935, 485 § 1 (authorizing the state board of housing to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects).

SECT. 25 revised, 1933, 364 § 4. (See 1933, 364 § 8.)

SECT. 26 amended, 1933, 364 § 5; revised, 1935, 475 § 4; amended, 1936, 211 § 6. (See 1933, 364 § 8; 1936, 211 § 7.)

SECTS. 26A-26H added, 1933, 364 § 6 (relative to the powers and duties of the state board of housing, and to limited dividend corporations under its control.) (See 1933, 364 § 8.)

SECT. 26H revised, 1935, 449 § 3.

SECTS. 26I-26BB, under caption "HOUSING AUTHORITIES", added, 1935, 449 § 5 (relative to the establishment, powers and duties, and discontinuance, of local housing authorities); sections 26I-26BB stricken out and new sections 26I-26II inserted, 1938, 484 § 1 (to relate the Massachusetts Housing Authority Law to the United States Housing Act of 1937). (See 1938, 484 § 2.)

SECT. 26Q, subsection (c) added, 1935, 485 § 2 (authorizing local housing authorities to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects).

SECT. 27 repealed, 1933, 364 § 7.

SECT. 42 amended, 1932, 180 § 22.

Chapter 122. — State Infirmary.

SECTS. 2B–2E added, 1936, 295 (relative to Patients' Funds at the state infirmary and the disposition of unclaimed property and moneys represented by bank books belonging to former patients).

SECT. 6 amended, 1933, 345.

SECT. 15 amended, 1936, 325.

SECT. 18 amended, 1936, 378.

Chapter 123. — Commitment and Care of the Insane and Other Mental Defectives.

For legislation relative to the establishment of the Norfolk state hospital for the care of the criminal insane, see 1935, 421.

SECT. 1, definition of "commissioner" and "department" revised, 1938, 486 § 7. (See 1938, 486 §§ 1, 21, 22.)

SECT. 4 revised, 1938, 486 § 8. (See 1938, 486 §§ 21, 22.)

SECT. 8A added, 1935, 301 (providing for co-operation between the departments of mental diseases and public works relative to roads at state hospitals).

SECT. 13 revised, 1936, 286.

SECT. 16 revised, 1938, 486 § 9. (See 1938, 486 §§ 21, 22.)

SECT. 16A amended, 1938, 486 § 10. (See 1938, 486 §§ 21, 22.)

SECT. 19 repealed, 1935, 163.

SECT. 25 amended, 1935, 314 § 3, 421 § 4. (See 1935, 421 § 6.)

SECT. 26 repealed, 1938, 486 § 11.

SECT. 28 revised, 1938, 486 § 12. (See 1938, 486 §§ 20–22.)

SECT. 29 revised, 1938, 486 § 13. (See 1938, 486 §§ 21, 22.)

SECT. 30 revised, 1938, 486 § 14. (See 1938, 486 §§ 21, 22.)

SECT. 31 revised, 1938, 486 § 15. (See 1938, 486 §§ 21, 22.)

SECT. 32 revised, 1933, 115; 1938, 486 § 16. (See 1938, 486 §§ 21, 22.)

SECT. 39, sentence added at end, 1936, 291 § 1.

SECT. 39A amended, 1936, 291 § 2.

SECT. 39B added, 1932, 204 (relative to the disposition of unclaimed belongings at certain state hospitals, known as "patients' valuables"); revised, 1936, 291 § 3.

SECT. 39C added, 1933, 256 (relative to the disposition of moneys represented by certain bank books belonging to former patients of certain state hospitals); revised, 1936, 291 § 4.

SECT. 45 amended, 1938, 486 § 17. (See 1938, 486 §§ 21, 22.)

SECT. 46 amended, 1938, 486 § 18. (See 1938, 486 §§ 21, 22.)

SECT. 47 revised, 1938, 486 § 19. (See 1938, 486 §§ 21, 22.)

SECT. 50 revised, 1935, 314 § 4.

SECT. 52 amended, 1932, 85.

SECT. 77, first sentence amended, 1935, 314 § 5.

SECT. 78, first sentence revised, 1935, 314 § 6.

SECT. 79, first sentence revised. 1935, 314 § 7.

SECT. 86 amended, 1935, 314 § 8.

SECT. 89B amended, 1938, 254 § 1.

SECT. 90, first sentence amended, 1932, 180 § 23.

SECT. 102 revised, 1934, 15; paragraph added at end, 1938, 226.

SECT. 105 revised, 1936, 130.

SECT. 110 amended, 1937, 136.

SECT. 117A added, 1936, 32 (providing in certain cases for the return to penal institutions of prisoners removed therefrom to departments for defective delinquents).

SECT. 118 revised, 1938, 254 § 2.

SECT. 119 revised, 1938, 254 § 3.

Chapter 124. — Powers and Duties of the Department of Correction.

SECT. 6 amended, 1936, 23 § 2.

SECT. 8 amended, 1935, 48 § 1. (See 1935, 48 § 2.)

Chapter 125. — Penal and Reformatory Institutions of the Commonwealth.

SECT. 4 amended, 1932, 282 § 3.

SECT. 10 revised, 1937, 20 § 1. (See 1937, 20 § 2.)

SECT. 11 amended, 1935, 437 § 1. (See 1935, 437 § 8.)

SECT. 13 amended, 1936, 276.

SECT. 30 amended, 1932, 180 § 24.

SECT. 49 revised, 1936, 125.

Chapter 126. — Jails, Houses of Correction and Reformation, and County Industrial Farms.

SECT. 16 revised, 1937, 219 § 6.

SECT. 37 amended, 1936, 228.

Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

For legislation providing for the disposition of certain prisoners confined in the prison camp and hospital prior to its discontinuance, see 1935, 111.

SECT. 10 amended, 1936, 23 § 3.

SECT. 16, last sentence stricken out, 1933, 77 § 1.

SECT. 17 revised, 1933, 77 § 2.

SECT. 18 amended, 1933, 77 § 3.

SECT. 67A added, 1932, 252 § 1 (regulating the sale of prison made goods). (See 1932, 252 § 2.)

SECT. 90A revised, 1938, 65.

SECTS. 96A and 96B added, 1936, 383 (providing for the disposition of unclaimed money and property of former prisoners).

SECT. 109B added, 1935, 113 § 1 (relative to the transfer of certain prisoners from the Massachusetts Reformatory to the State Prison). (See 1935, 113 § 2.)

SECT. 111A added, 1933, 169 (relative to transfers of defective delinquents and drug addicts from one institution to another under the department of correction).

SECT. 118 revised, 1938, 456.

SECT. 127 amended, 1938, 71.

SECT. 129 revised, 1937, 399 § 2. (See 1937, 399 §§ 3-6.)

SECT. 130 revised, 1938, 264 § 1. (See 1938, 264 § 2.)

SECT. 133 revised, 1933, 134 § 1. (See 1933, 134 § 2.)

SECT. 146 revised, 1932, 221 § 1.

SECT. 151, last sentence amended, 1932, 180 § 25.

SECTS. 151A-151G added, under the heading "INTERSTATE SUPERVISION OF PROBATIONERS AND PAROLEES", 1937, 307 § 1 (providing for the entry of this commonwealth into compacts with any of the United States for mutual helpfulness in relation to persons convicted of crimes or offences who are on probation or parole). (See 1937, 307 § 2.)

SECT. 154A added, 1935, 225 (requiring consideration by the advisory board of pardons of the cases of certain life prisoners on the question of extending clemency).

Chapter 128. — Agriculture.

SECT. 2, paragraph (f) amended, 1937, 415 § 1; 1938, 230; paragraph (g) added, 1933, 291 § 1.

SECT. 6 amended, 1933, 291 § 2.

SECT. 10 amended, 1934, 340 § 10. (See 1934, 340 § 18.)

SECT. 13 amended, 1934, 340 § 11. (See 1934, 340 § 18.)

SECT. 27 revised, 1938, 309.

SECT. 39 repealed, 1933, 74 § 2.

SECT. 42 revised, 1932, 166.

Chapter 128A. — Horse and Dog Racing Meetings.

New chapter inserted, 1934, 374 § 3.

SECT. 3, first paragraph revised, 1935, 454 § 2; clause (f) amended, 1935, 454 § 3; clause (h) amended, 1935, 454 § 4; clause (n) added, 1935, 239 (forbidding the licensed racing of horses and dogs under the pari-mutuel system of betting, on publicly owned premises); clause (n) added, 1935, 471 § 1 (forbidding the licensed racing of dogs under such system, in certain residential neighborhoods); designation of the clause added by 1935, 471 § 1 changed from (n) to (o), 1936, 405 § 3. (See 1935, 471 § 2.)

SECT. 5, first paragraph revised, 1935, 454 § 1; second and third paragraphs revised, 1936, 351.

SECT. 9, last paragraph revised, 1935, 454 § 5.

SECT. 9A added, 1935, 454 § 6 (relative to rules, regulations and conditions to be prescribed by the state racing commission).

SECT. 10 revised, 1936, 268.

SECT. 13 amended, 1935, 454 § 7.

SECT. 13A added, 1935, 454 § 8 (relative to the application of certain laws as to betting and certain local requirements as to race tracks and public amusements, in the case of racing meetings under this chapter). (See 1935, 471 § 2.)

SECT. 13B added, 1937, 322 (prohibiting and penalizing the use of drugs for the purpose of affecting the speed of horses at horse racing meetings).

SECT. 14 revised, 1935, 279 § 2; 1936, 253 § 2; amended, 1938, 282. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 14A added, 1935, 279 § 1 (providing for the resubmission to the voters of the several counties of the question of licensing dog races at which the pari-mutuel system of betting shall be permitted); repealed, 1936, 253 § 1. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 15 revised, 1936, 436 § 2. (See 1936, 436 § 4.)

Chapter 129. — Animal Industry.

SECT. 1 revised, 1934, 340 § 12; paragraph (defining "Domestic animals") added, 1935, 70. (See 1934, 340 § 18.)

SECT. 10 amended, 1934, 340 § 13. (See 1934, 340 § 18.)

SECT. 26A revised, 1938, 168.

SECT. 29 amended, 1938, 308.

SECT. 33 amended, 1934, 272.

SECT. 33B revised, 1934, 96.

SECT. 36A added, 1935, 426 (providing for the licensing of certain dealers in bovine animals).

SECT. 36B added, 1938, 314 (providing for the vaccination of certain cattle to curtail the spread of Bang's disease, so called).

SECT. 36C added, 1938, 386 (regulating the transportation of neat cattle).

SECT. 38 revised, 1934, 340 § 14. (See 1934, 340 § 18.)

Chapter 129A. — Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

New chapter inserted, 1933, 329 § 1.

SECT. 1, definition of "warden" revised, 1937, 413 § 2. (See 1937, 413 §§ 3, 4.)

Chapter 130. — Marine Fish and Fisheries, including Crustacea and Shellfish (former title, Powers and Duties of the Division of Fisheries and Game. Fisheries).

The following reference is to chapter 130, as appearing in the Tercenary Edition:

SECT. 48A added, 1933, 118 (prohibiting the taking of certain herring or alewives from the waters of Plymouth harbor, Kingston bay, Duxbury bay and certain waters of Plymouth bay).

Chapter stricken out, and new chapter 130 (with new title) inserted, 1933, 329 § 2.

The following references are to the new chapter 130:

SECT. 3A added, 1935, 324 (providing for state aid to coastal cities and towns in conserving and increasing the supply of shellfish and in exterminating the enemies thereof).

SECT. 6B added, 1934, 115 § 1 (providing for the filing with the supervisor of marine fisheries of copies of rules and regulations made by cities and towns under the marine fisheries laws, and for notifying him of permits and licenses issued under said laws). (See 1934, 115 § 2.)

SECT. 23 amended, 1937, 168.

SECT. 41A added, 1937, 121 (prohibiting, during certain months of the year, the taking of edible crabs from the waters of the commonwealth).

SECT. 48, first paragraph amended, 1935, 110.

SECT. 73 amended, 1935, 117.

SECTS. 77, 78, 79 revised, 1937, 246.

SECT. 84A added, 1934, 129 (regulating the disposition of starfish caught in or taken from the coastal waters of the commonwealth).

Chapter 131. — Game and Inland Fisheries (former title, Powers and Duties of the Division of Fisheries and Game. Game and Inland Fisheries).

Title amended, 1933, 329 § 14.

SECTS. 1-4 repealed, 1933, 329 § 20.

SECT. 5 amended, 1932, 272 § 1; 1933, 214 § 1; 1937, 191 § 1.

SECT. 6 revised, 1932, 272 § 2.

SECT. 7 revised, 1932, 272 § 3.

SECT. 8 revised, 1932, 272 § 4; new paragraph added (summer three-day fishing license), 1934, 156; same paragraph revised, 1938, 121 § 1. (See 1938, 121 § 2.)

SECT. 8A added, 1933, 214 § 2 (establishing special fox hunting licenses for non-resident members and guests of clubs or associations conducting fox hunts).

SECT. 8B added, 1937, 191 § 2 (authorizing the issuance to certain officials of certain other states of complimentary certificates entitling them to hunt and fish in this commonwealth).

SECTS. 9-11 repealed, 1933, 329 § 20.

SECT. 12 amended, 1932, 272 § 5; revised, 1933, 214 § 3.

SECT. 13 revised, 1933, 329 § 15.

SECTS. 14-24 repealed, 1933, 329 § 20.

SECT. 24A added, 1932, 78 (relative to the establishment in certain brooks and streams of breeding areas for fish).

SECT. 25, paragraph added at end, 1934, 33.

SECTS. 27-34 repealed, 1933, 329 § 20.

SECT. 42 repealed, 1933, 329 § 20.

SECT. 43A added, 1936, 294 (relative to fishing in ponds situated partly in the commonwealth and partly in another state).

SECT. 44 revised, 1933, 329 § 16.

SECT. 45, sentence added at end, 1932, 77.

SECT. 48 revised, 1936, 69.

SECT. 49 amended, 1933, 329 § 17.

SECT. 49A added, 1937, 123 (establishing a close season for fish with respect to which no close season is otherwise established by law).

SECTS. 52-55 repealed, 1933, 329 § 20.

SECT. 56 amended, 1934, 51.

SECT. 57 amended, 1934, 149; 1936, 425 § 1; 1937, 116.

SECT. 59 revised, 1936, 425 § 2; 1937, 269.

SECT. 61A added, 1933, 329 § 18 (regulating the taking of smelt in great ponds).

SECT. 66 amended, 1934, 40.

SECT. 68 revised, 1935, 120.

SECT. 73A added, 1935, 98 (authorizing the use of certain traps for the purpose of catching fish bait in the inland waters of the commonwealth).

SECT. 74 revised, 1932, 272 § 6.

SECT. 77 revised, 1933, 154.

SECT. 83 revised, 1935, 107.

SECT. 85 amended, 1932, 28; 1935, 13; 1937, 167.

SECT. 86A added, 1932, 60 (authorizing the director of fisheries and game to suspend or modify the open season or bag limit as to ruffed grouse and quail).

SECT. 87A added, 1933, 122 (relative to the taking or killing of water-fowl and other migratory birds in certain cases).

SECT. 92 amended, 1932, 52.

SECT. 94 amended, 1934, 183; 1937, 172; revised 1937, 316.

SECT. 97 revised, 1934, 70; amended, 1936, 13.

SECT. 99 amended, 1932, 180 § 26.

SECT. 100A added, 1932, 82 (prohibiting the hunting of beavers).

SECT. 103 revised, 1938, 301.

SECT. 104 revised, 1933, 192 § 1; 1937, 324.

SECT. 105A revised, 1933, 203; repealed, 1934, 275 § 2.

SECTS. 105B and 105C added, 1934, 275 § 1 (regulating the use of traps and other devices for the capture of fur-bearing animals and providing for local option thereon). (See 1934, 275 § 4.)

SECT. 109 revised, 1932, 264; 1933, 192 § 2; amended, 1935, 5 § 1; 1936, 21 § 1, 138 § 1; 1937, 89 § 1, 243 § 1.

SECT. 112 revised, 1933, 192 § 3; amended, 1935, 5 § 2; 1936, 21 § 2, 138 § 2; 1937, 243 § 2.

SECT. 114 revised, 1937, 89 § 2; last paragraph amended, 1937, 372 § 1.

SECT. 114A added, 1934, 275 § 3 (authorizing the commissioner of conservation to temporarily suspend, within certain specified territory, the provisions of section 105B).

SECT. 124 amended, 1937, 229.

SECT. 135 revised, 1932, 81, 272 § 7.

SECT. 137 added, 1933, 329 § 19 (relative to the protection of salmon fry in the Merrimaek river).

Chapter 132. — Forestry.

SECT. 1 amended, 1937, 415 § 2.

SECT. 5 repealed, 1932, 180 § 27.

SECT. 11 revised, 1937, 415 § 3.

SECT. 12 amended, 1937, 415 § 4.

SECT. 13 revised, 1935, 87; amended, 1937, 415 § 5.

SECT. 14 revised, 1937, 415 § 6.

SECT. 17 amended, 1937, 415 § 6A.

SECT. 18 amended, 1937, 415 § 6B.

SECT. 22 amended, 1937, 415 § 7.

SECT. 25 revised, 1937, 415 § 8.

SECT. 26 amended, 1937, 415 § 9.

SECT. 27 amended, 1937, 415 § 10.

SECT. 28 amended, 1937, 415 § 11.

SECT. 33 amended, 1935, 373; 1936, 415 § 1. (See 1936, 415 § 3.)

SECT. 34, new paragraph added at end, 1935, 233.

SECT. 36 revised, 1936, 415 § 2. (See 1936, 415 § 3.)

Chapter 132A. — State Parks and Reservations Outside of the Metropolitan Parks District.

SECT. 9 amended, 1933, 75 § 4.

Chapter 135. — Unclaimed and Abandoned Property.

SECT. 8 amended, 1938, 98 § 1.

SECT. 9 amended, 1938, 98 § 3.

SECT. 11 amended, 1938, 98 § 2.

Chapter 136. — Observance of the Lord's Day.

SECT. 2 amended, 1933, 150 § 1; 1934, 63; 1935, 78.

SECT. 4A added, 1933, 150 § 2 (relative to the licensing of certain enterprises to be held on the Lord's day at amusement parks and beach resorts); revised, 1933, 309 § 1. (See 1933, 309 § 2.)

SECT. 6, second and third paragraphs amended, 1934, 328 § 7; fourth paragraph amended, 1932, 96; 1934, 354; 1938, 143; paragraph added at end, 1933, 150 § 3; section revised, 1934, 373 § 6; third paragraph amended, 1936, 129; 1937, 286.

SECT. 7 amended, 1934, 328 § 8; revised, 1934, 373 § 7.

SECT. 8 amended, 1937, 124.

SECT. 13 amended, 1932, 105.

SECT. 17, sentence added at end, 1933, 150 § 4; section amended, 1934, 55; revised, 1938, 60.

SECT. 21 revised, 1935, 104, 169.

SECT. 22. See 1933, 136; 1935, 49.

Chapter 138. — Alcoholic Liquors (Old Title, Intoxicating Liquors and Certain Non-Intoxicating Beverages).

Beer bill, so called, 1933, 120 (amended by 1933, 216, 234, 346). (See also 1933, Res. 47.)

Act providing for a convention to act upon a proposed amendment to the constitution of the United States relative to the repeal of the eighteenth amendment, 1933, 132.

The following references are to chapter 138, as appearing in the Tercenary Edition:

SECT. 1, paragraph in lines 4-7 amended, 1933, 97 § 1. (See 1933, 97 § 3, 346 § 9.)

SECT. 2 affected, 1933, 120 § 53.

SECT. 3 amended, 1933, 97 § 2. (See 1933, 97 § 3, 346 § 9.)

Chapter stricken out, and new chapter 138 inserted, 1933, 376 § 2.

The following references are to the new chapter 138:

SECT. 1, new paragraph (definition of "Alcohol") added, 1935, 440 § 1; definition of "Restaurant" amended, 1936, 368 § 1; eighth paragraph (definition of "Club"), revised, 1934, 385 § 1; definition of "Tavern" amended, 1934, 121 § 1; 1935, 253 § 1.

SECT. 2 revised, 1934, 305, 372 § 4; 1935, 440 § 2.

SECT. 3 amended, 1935, 440 § 3.

SECT. 4 amended, 1934, 385 § 2.

SECT. 7 amended, 1935, 440 § 4.

SECT. 10 amended, 1935, 440 § 5.

SECT. 10B added, 1934, 370 § 11 (authorizing the alcoholic beverages control commission to remove a member of a local licensing board under certain conditions).

SECT. 11 revised, 1936, 207 § 1. (See 1935, 281.)

SECT. 11A, first paragraph amended, 1934, 142 § 1; paragraph in-

serted, 1934, 142 § 2; paragraph added at end, 1934, 142 § 3; section revised, 1934, 211 § 1; last paragraph stricken out, 1935, 440 § 6. (See 1934, 142 § 4, 211 § 2.)

SECT. 12, first paragraph amended, 1934, 121 § 2; last sentence of first paragraph revised, 1934, 370 § 1; second paragraph amended, 1934, 121 § 2; sentence contained in lines 42-53 revised, 1934, 370 § 2; section revised, 1934, 385 § 3; first paragraph amended, 1935, 253 § 2; revised, 1935, 440 § 7; new paragraph inserted after first paragraph, 1935, 253 § 3; proviso contained in lines 46-48 stricken out, 1935, 253 § 4; third paragraph revised, 1935, 440 § 8; next to last paragraph stricken out, 1935, 440 § 9; section revised, 1935, 468 § 1; first paragraph amended, 1936, 207 § 2; last sentence of first paragraph stricken out and new paragraph inserted, 1937, 331; second paragraph revised, 1936, 368 § 2; paragraph added at end, 1937, 264.

SECT. 13, last two sentences stricken out, 1934, 385 § 4; section revised, 1935, 440 § 10.

SECT. 14 amended, 1934, 370 § 3; paragraph added at end, 1935, 440 § 11.

SECT. 15, first paragraph amended, 1934, 385 § 5, revised, 1935, 440 § 12; last paragraph revised, 1934, 370 § 4; last sentence revised, 1936, 225 § 1; second paragraph revised, 1938, 353.

SECT. 15A added, 1934, 370 § 5 (relative to the publication of applications for original licenses); revised, 1935, 440 § 13.

SECT. 16 revised, 1936, 368 § 3.

SECT. 16A revised, 1934, 385 § 6; 1937, 424 § 1.

SECT. 16B revised, 1935, 440 § 14; paragraph added at end, 1937, 291; section revised, 1937, 424 § 2.

SECT. 17, second proviso of first paragraph amended, 1934, 385 § 7; first paragraph amended, 1935, 81; last paragraph revised, 1934, 83; section revised, 1935, 440 § 15; first paragraph amended, 1936, 136 and 245, 1937, 14 § 1; second paragraph revised, 1936, 199; paragraph added after the second paragraph, 1936, 368 § 4; section revised, 1937, 424 § 3. (See 1937, 14 § 2.)

SECT. 18, first paragraph revised, 1935, 440 § 16; two paragraphs added, 1934, 385 § 8.

SECT. 18A added, under caption "SELLING AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS", 1934, 312; first paragraph revised, 1935, 440 § 17.

SECT. 19, first paragraph revised, 1935, 440 § 18; second paragraph amended, 1934, 385 § 9; last paragraph amended, 1934, 385 § 10, 1935, 440 § 19; paragraph added at end, 1936, 368 § 5.

SECT. 19A added, 1934, 385 § 11 (relative to the licensing of salesmen for manufacturers and for wholesalers and importers); revised, 1935, 440 § 20.

SECT. 20 revised, 1934, 385 § 12; first paragraph amended, 1936, 368 § 6; paragraph inserted, 1936, 368 § 7.

SECT. 20A added, 1937, 424 § 4 (relative to granting permits to public warehousemen to store and warehouse alcoholic beverages).

SECT. 21 revised, 1934, 385 § 13; first paragraph amended, 1935, 440 § 21; first six paragraphs revised, 1936, 411 § 1; next to the last paragraph amended, 1936, 368 § 8. (See 1936, 411 § 2.)

SECT. 22 revised, 1934, 385 § 14; 1935, 440 § 22; fourth and fifth paragraphs stricken out and new paragraph inserted, 1937, 418.

SECT. 22A added, 1934, 385 § 15 (providing for the granting by the alcoholic beverages control commission in certain cases of permits to sell alcoholic beverages).

SECT. 23, sentence added at end of fourth paragraph, 1934, 370 § 6; last paragraph amended, 1934, 245; section revised, 1934, 385 § 16; fifth paragraph amended, 1935, 253 § 5; last four paragraphs stricken out, and five new paragraphs inserted, 1935, 440 § 23; fourth paragraph revised, 1938, 238.

SECT. 24, first sentence amended, 1934, 232.

SECT. 26, first paragraph amended, 1935, 440, § 24.

SECT. 27 revised, 1934, 301 § 1; amended, 1934, 385 § 23; revised, 1935, 442; amended, 1936, 436 § 3; revised, 1936, 438. (See 1936, 436 § 4.)

SECT. 28 amended, 1934, 112.

SECT. 29 revised, 1935, 440, § 25.

SECT. 30 amended, 1935, 83 § 1. (See 1935, 83 § 2.)

SECT. 30A revised, 1934, 370 § 7; 1935, 440 § 26.

SECT. 30B amended, 1935, 440 § 27; paragraph added at end, 1936, 368 § 9.

SECT. 30D amended, 1935, 440 § 28.

SECT. 30E, first paragraph amended, 1935, 440 § 29.

SECT. 30F revised, 1935, 440 § 30.

SECT. 30G amended, 1935, 440 § 31.

SECT. 30H added, 1935, 440 § 32 (possession or transportation of alcoholic beverages or alcohol under certain circumstances deemed *prima facie* evidence of violation of law).

SECT. 31 amended, 1935, 440 § 33; revised, 1936, 368 § 10.

SECT. 32 amended, 1934, 370 § 8.

SECT. 33 revised, 1934, 370 § 9; amended, 1935, 468 § 2; last sentence revised, 1936, 225 § 2; section amended, 1937, 268.

SECT. 34 amended, 1935, 440 § 34; revised, 1936, 171; 1937, 424 § 5.

SECT. 34A added, 1935, 146 (relative to procuring by false representation sales or delivery of alcoholic beverages to minors); revised, 1935, 440 § 35.

SECT. 36 amended, 1934, 385 § 17.

SECT. 37 revised, 1934, 385 § 18.

SECTS. 42-55 affected, 1935, 440 § 36.

SECT. 42, paragraph added at end, 1935, 440 § 36.

SECT. 46 amended, 1934, 370 § 10; 1935, 440 § 37.

SECT. 56 revised, 1935, 440 § 38; 1936, 368 § 11.

SECT. 57 revised, 1936, 368 § 12.

SECT. 62 amended, 1935, 440 § 39.

SECT. 63, first sentence revised, 1934, 385 § 19; section revised, 1935, 440 § 40; 1936, 368 § 13.

SECT. 63A revised, 1935, 440 § 41.

SECT. 64 revised, 1934, 385 § 20.

SECT. 67 amended, 1934, 385 § 21; revised, 1935, 440 § 42; amended, 1938, 400.

SECT. 70 revised, 1934, 301 § 2.

SECTS. 72-75 repealed, 1934, 372 § 1.

SECT. 76 revised, 1934, 372 § 2; next to last sentence revised, 1934, 385 § 22; section revised, 1935, 440 § 43.

Chapter 139. — Common Nuisances.

SECT. 14, caption amended, 1934, 328 § 9; section amended, 1934, 328 § 10.

SECT. 16 amended, 1934, 328 § 11.

SECT. 16A amended, 1934, 328 § 12.

SECT. 17 repealed, 1934, 328 § 13.

SECT. 19 amended, 1934, 328 § 14.

SECT. 20 amended, 1934, 328 § 15.

Chapter 140. — Licenses.

SECT. 4 amended, 1934, 171 § 1.

SECT. 6 amended, 1937, 424 § 6.

SECT. 6A added, 1937, 424 § 7 (providing for the granting of common victuallers' licenses and licenses to sell alcoholic beverages upon condition that licensed premises are equipped and furnished according to plans and estimates approved in advance).

SECT. 8 amended, 1936, 368 § 14.

SECT. 10 amended, 1935, 167.

SECT. 12 revised, 1932, 86; 1933, 92.

SECTS. 21E and 21F added, under caption "ORGANIZATIONS DISPENSING FOOD OR BEVERAGES TO MEMBERS AND GUESTS", 1933, 284 (providing for the regulation of such organizations).

SECT. 21E, last sentence revised, 1934, 328 § 16; affected, 1934, 328 § 17.

SECT. 48 repealed, 1937, 342 § 2.

SECT. 51 amended, 1932, 275; 1935, 428 § 3; 1936, 55 § 1. (See 1935, 428 §§ 6, 7; 1936, 55 § 2.)

SECT. 52 amended, 1935, 428 § 4. (See 1935, 428 § 7.)

SECT. 55 amended, 1938, 59.

SECT. 59 amended, 1934, 254 § 1; 1938, 96. (See 1934, 254 § 2.)

SECT. 90, three sentences added at end, 1934, 179 § 1.

SECT. 96, sentence added at end, 1934, 179 § 2.

SECT. 121 amended, 1934, 359 § 1.

SECT. 131 revised, 1936, 302.

SECT. 131C added, 1934, 246 (prohibiting persons licensed to carry pistols and revolvers from carrying the same in vehicles unless said weapons are under their control therein).

SECT. 136A, under caption "DOGS", added, 1934, 320 § 1 (definitions of certain words and phrases in sections 137-175). (See 1934, 320 § 34.)

SECT. 137 amended, 1932, 289 § 1; revised (and caption stricken out) 1934, 320 § 2. (See 1934, 320 § 34.)

SECTS. 137A-137C added, 1934, 320 § 3 (relative to kennel licenses and regulating holders of such licenses). (See 1934, 320 § 34.)

SECT. 137A, paragraph added at end, 1937, 95.

SECT. 138 revised, 1934, 320 § 4; 1938, 92. (See 1934, 320 § 34.)

SECT. 139 amended, 1934, 320 § 5. (See 1934, 320 § 34.)

SECT. 140 repealed, 1934, 320 § 6. (See 1934, 320 § 34.)

SECT. 141 revised, 1934, 320 § 7. (See 1934, 320 § 34.)

SECTS. 142-144 repealed, 1934, 320 § 8. (See 1934, 320 § 34.)

SECT. 145 amended, 1932, 289 § 2.

SECT. 145A added, 1932, 289 § 3 (relative to the furnishing of anti-rabic vaccine); revised, 1934, 320 § 9, 1937, 375. (See 1934, 320 § 34.)

SECT. 146 revised, 1934, 320 § 10. (See 1934, 320 § 34.)

SECT. 147 revised, 1932, 289 § 4; 1934, 320 § 11. (See 1934, 320 § 34.)

SECT. 148 repealed, 1932, 289 § 6. (See G. L. chapter 41 § 13A, inserted by 1932, 289 § 5.)

SECT. 150 revised, 1934, 320 § 12. (See 1934, 320 § 34.)

SECT. 151 revised, 1934, 320 § 13. (See 1934, 320 § 34.)

SECT. 151A added, 1934, 320 § 14 (powers and duties of dog officers under annual warrants from mayors or selectmen). (See 1934, 320 § 34.)

SECT. 152 revised, 1934, 320 § 15. (See 1934, 320 § 34.)

SECT. 153 revised, 1934, 320 § 16. (See 1934, 320 § 34.)

SECT. 154 repealed, 1934, 320 § 17. (See 1934, 320 § 34.)

SECT. 155 revised, 1934, 320 § 18. (See 1934, 320 § 34.)

SECT. 156 revised, 1934, 320 § 19. (See 1934, 320 § 34.)

SECT. 157 revised, 1934, 320 § 20. (See 1934, 320 § 34.)

SECT. 158 revised, 1934, 320 § 21. (See 1934, 320 § 34.)

SECT. 159 revised, 1934, 320 § 22. (See 1934, 320 § 34.)

SECT. 160 revised, 1934, 320 § 23. (See 1934, 320 § 34.)

SECT. 161, first two sentences amended, 1932, 289 § 7; section amended, 1934, 320 § 24. (See 1934, 320 § 34.)

SECT. 161A added, 1934, 320 § 25 (reimbursement for damages by dogs regulated). (See 1934, 320 § 34.)

SECT. 162 revised, 1934, 320 § 26. (See 1934, 320 § 34.)

SECT. 163 amended, 1934, 320 § 27. (See 1934, 320 § 34.)

SECT. 164 amended, 1934, 320 § 28. (See 1934, 320 § 34.)

SECT. 165 revised, 1934, 320 § 29. (See 1934, 320 § 34.)

SECT. 166 amended, 1934, 320 § 30. (See 1934, 320 § 34.)

SECT. 170 amended, 1934, 320 § 31. (See 1934, 320 § 34.)

SECT. 171 revised, 1934, 320 § 32. (See 1934, 320 § 34.)

SECT. 172 revised, 1932, 289 § 8.

SECT. 175 revised, 1932, 289 § 9; 1934, 320 § 33. (See 1934, 320 § 34.)

SECTS. 180A-180D added, under caption "THEATRICAL BOOKING AGENTS, PERSONAL AGENTS AND MANAGERS", 1935, 378 (providing for the licensing and bonding of certain theatrical booking agents, personal agents and managers).

SECT. 181. Affected by 1935, 454 § 8.

SECT. 183A amended, 1935, 102 § 1; 1936, 71 § 1. (See 1935, 102 § 2.)

SECT. 183B repealed, 1936, 71 § 2.

SECT. 184 amended, 1934, 328 § 18.

SECT. 185A amended, 1936, 279.

SECT. 186 amended, 1936, 169 § 1.

SECT. 187 amended, 1936, 169 § 2.

SECT. 202 revised, 1936, 169 § 3.

Chapter 141. — Supervision of Electricians.

SECT. 3, clause (4) amended, 1934, 347 § 1.

Chapter 142. — Supervision of Plumbing.

SECT. 6 revised, 1934, 347 § 2.

SECT. 13 amended, 1934, 284.

SECT. 17 revised, 1936, 234.

SECT. 21 added, 1938, 302 (providing for regulation of plumbing in buildings owned and used by the commonwealth).

Chapter 145. — Tenement Houses in Towns.

SECT. 17A added, 1934, 168 (relative to the erection of garages in the yards of certain tenement houses).

Chapter 146. — Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

SECT. 16 revised, 1932, 180 § 28.

SECT. 34 revised, 1938, 319 § 1.

SECT. 35 amended, 1938, 319 § 2.

SECT. 50 amended, 1935, 67.

Chapter 147. — State and Other Police, and Certain Powers and Duties of the Department of Public Safety.

SECT. 8A added, 1938, 296 (authorizing the carrying of certain weapons by sheriffs, deputy sheriffs and special sheriffs, and certain officers in the department of correction).

SECT. 10 amended, 1934, 23.

SECT. 16A added, 1937, 85 § 1 (providing for one day off in every seven days for police officers in certain cities and towns); revised, 1938, 426 § 1.

SECT. 16B added, 1938, 426 § 2 (providing for one day off in every six days for police officers of certain cities and towns).

SECT. 17 amended, 1937, 85 § 2; 1938, 426 § 3.

SECTS. 25A-25C added, 1937, 437 § 1 (relative to promoting peaceful industrial relations by regulating certain forms of private police and detective activity in labor disputes and related matters).

SECT. 26 amended, 1937, 437 § 2.

SECT. 30 revised, 1937, 437 § 3.

SECT. 32 revised, 1935, 262 § 1.

SECT. 33 amended, 1935, 262 § 2.

SECT. 35 revised, 1934, 69.

SECT. 36 revised, 1932, 79.

Chapter 148. — Fire Prevention.

SECT. 1, definition of "local licensing authority" amended, 1932, 102.

SECT. 10A added, 1932, 75 (relative to the granting of certain permits and the making of certain inspections by municipal officers designated by the state fire marshal).

SECT. 13, first paragraph amended, 1932, 22 § 1; section amended, 1935, 123 § 1; revised, 1936, 394 § 1; last paragraph amended, 1938, 99. (See 1932, 22 § 2; 1936, 394 §§ 2, 3.)

SECT. 14 amended, 1938, 103.

SECT. 18 repealed, 1934, 182 § 2.

SECT. 23 amended, 1935, 123 § 2.

SECT. 27A added, 1932, 283 (relative to the protection of life and property from fire hazards incident to the present industrial emergency).

SECT. 38A added, 1938, 95 (prohibiting the removal of certain gasoline tanks without a permit).

SECT. 49A added, 1934, 182 § 1 (relative to the inspection of kerosene or any product thereof kept for sale for illuminating, heating or cooking purposes).

Chapter 149. — Labor and Industries.

For legislation relative to interstate compacts affecting labor and industry, see 1933, Res. 44; 1934, 383, Res. 25; 1935, 315 §§ 1-3; 1936, Res. 68; 1937, 404.

For legislation establishing in the department of labor and industries a temporary commission on apprentice training and defining the powers and duties of said commission, see 1938, 448.

SECT. 1, paragraph defining "discrimination" inserted, 1937, 367 § 1; paragraph defining "mercantile establishments" amended, 1936, 78.

SECT. 6 amended, 1934, 132 § 1; 1937, 249. (See 1934, 132 § 2.)

SECT. 11 amended, 1935, 328.

SECT. 20A added, 1933, 351 § 1 (relative to the judicial enforcement of certain contracts relative to membership in labor or employers' organizations). (See 1933, 351 § 2.)

SECTS. 20B and 20C added, 1935, 407 § 1 (regulating the liability of labor unions and others involved in labor disputes, and defining labor disputes and other terms used in connection therewith). (See 1935, 407 § 6.)

SECT. 20C. See 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.

SECT. 23 amended, 1935, 114.

SECT. 23A added, 1934, 233 (regulating the employment of armed guards in connection with strikes, lockouts and other labor troubles).

SECT. 24 amended, 1933, 272.

SECTS. 24A-24J added, under the caption "DISCRIMINATION AGAINST CERTAIN PERSONS IN EMPLOYMENT ON ACCOUNT OF AGE". 1937, 367 § 2.

SECTS. 26 and 27 stricken out, and new sections 26-27D added, 1935, 461 (relative to preference and minimum wages of veterans and others in certain employments on certain public works).

SECT. 26, paragraph added at end, 1937, 346; same paragraph revised, 1938, 413.

SECT. 27E added, 1938, 67 (establishing residential requirements to be observed in the employment of certain persons by the department of public works).

SECT. 29 amended, 1935, 217 § 2; revised, 1935, 472 § 2; 1938, 361.

SECT. 30 revised, 1936, 367 § 1.

SECT. 34 amended, 1936, 367 § 2.

SECT. 34A added, 1938, 438 (requiring contractors on public buildings and other public works to provide and continue in force, during the full term of the contract, insurance under the Workmen's Compensation Law, so called).

SECT. 39 revised, 1935, 444 § 1. (See 1935, 444 § 2.)

SECT. 48 revised, 1935, 185, 423 § 3; amended, 1938, 320.

SECT. 49 amended, 1937, 221; revised, 1938, 295.

SECT. 50 revised, 1933, 225; amended, 1935, 423 § 1.

SECT. 50A added, 1935, 423 § 2 (making one day's rest in seven law applicable to watchmen and employees maintaining fires in certain establishments).

SECT. 56 amended, 1932, 110 § 1; revised, 1935, 200.

SECT. 57 amended, 1932, 110 § 2.

SECT. 59 amended, 1933, 193 § 1; 1936, 170 § 1. (For temporary act, authorizing the commissioner of labor and industries to suspend certain provisions relative to the hours of employment of women in the textile and leather industries, see 1933, 347; time for suspension as to the textile industry extended, 1935, 429; 1936, 154; 1937, 153; 1938, 68.)

SECT. 60 revised, 1935, 203.

SECT. 62, clause (13) amended, 1934, 328 § 19.

SECT. 66 amended, 1933, 193 § 2; 1936, 170 § 2.

SECTS. 69-73. See 1934, 114.

SECT. 78 amended, 1934, 292 § 1.

SECT. 84 amended, 1932, 180 § 29.

SECT. 101 revised, 1938, 335.

SECT. 104 amended, 1932, 27.

SECT. 113 revised, 1934, 255.

SECT. 117 revised, 1935, 208.

SECT. 135 amended, 1933, 64.

SECTS. 142A-142F added, under caption "BENZOL AND MIXTURES CONTAINING BENZOL", 1933, 304 (regulating the sale, distribution, storage and use of benzol and its compounds).

SECT. 142A amended, 1935, 463 § 1.

SECT. 142B revised, 1935, 463 § 2.

SECTS. 143-147A, and the heading above section 143, stricken out, and new sections 143-147H inserted, under the heading "INDUSTRIAL HOMEWORK", 1937, 429.

SECT. 147A added, 1932, 234 (requiring the furnishing of certain information to the department of labor and industries with respect to the performance of certain industrial work in tenements and dwelling houses); section stricken out and new section inserted, 1937, 429.

SECT. 148, last sentence amended, 1932, 101 § 1; section revised, 1935, 350; 1936, 160.

SECT. 150, sentence added at end, 1932, 101 § 2.

SECT. 150A added, 1938, 403 (requiring employers to furnish certain information to employees relative to deductions from wages for social security and unemployment compensation benefits).

SECT. 156 amended, 1935, 363 § 1. (See 1935, 363 § 2.)

SECT. 157A added, 1933, 268 (insuring to piece or job workers in factories and workshops information relative to their compensation).

SECT. 159A added. 1937, 342 § 1 (to prevent the misleading of patrons of certain places as to the beneficiaries of tips given to hat-check and cigarette girls and the like).

SECT. 178A added, 1932, 175 (authorizing the payment of small amounts of wages or salary of intestate employees to certain next of kin without administration).

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 3 amended, 1938, 364 § 1.

SECT. 5 revised, 1938, 364 § 2.

Chapter 150A. — Labor Relations.

New chapter inserted, 1938, 345 § 2 (incorporating the provisions of 1937, 436, relative to labor relations as an addition to the General Laws). (See 1938, 345 §§ 3, 4.)

Chapter 151. — Minimum Fair Wages for Women and Minors (former title, The Minimum Wage).

The following references are to chapter 151, as appearing in the Tercentenary Edition:

SECT. 8 amended, 1933, 110.

SECTS. 11A-11D added, 1933, 220 § 1 (relative to the more effective enforcement of decrees of the minimum wage commission). (See 1933, 220 § 2.)

Chapter stricken out, and new chapter 151 inserted, 1934, 308 § 1. (See 1934, 308 §§ 2, 3; 1935, 267. See also 1933, Res. 44; 1934, 383, Res. 25.)

The following references are to chapter 151, as inserted by 1934, 308 § 1:

SECT. 1 revised, 1936, 430 § 1. (See 1936, 430 §§ 18-22.)

SECT. 2 revised, 1936, 430 § 2. (See 1936, 430 §§ 18-22.)

SECT. 3 amended, 1936, 430 § 3. (See 1936, 430 §§ 18-22.)

SECT. 4 revised, 1936, 430 § 4. (See 1936, 430 §§ 18-22.)

SECT. 7 revised, 1936, 430 § 5. (See 1936, 430 §§ 18-22.)

SECT. 10 revised, 1936, 430 § 6. (See 1936, 430 §§ 18-22.)

SECT. 12 revised, 1936, 430 § 7. (See 1936, 430 §§ 18-22.)

SECT. 13 amended, 1936, 175; revised, 1936, 430 § 8. (See 1936, 430 §§ 18-22.)

SECT. 14 revised, 1936, 430 § 9. (See 1936, 430 §§ 18-22.)

SECT. 15 revised, 1936, 430 § 10. (See 1936, 430 §§ 18-22.)

SECT. 16 amended, 1936, 430 § 11. (See 1936, 430 §§ 18-22.)

SECT. 17 amended, 1936, 430 § 12. (See 1936, 430 §§ 18-22.)

SECT. 20 amended, 1936, 430 § 13. (See 1936, 430 §§ 18-22.)

SECT. 21 revised, 1936, 430 § 14. (See 1936, 430 §§ 18-22.)

SECT. 22 revised, 1936, 430 § 15. (See 1936, 430 §§ 18-22.)

SECT. 23 amended, 1936, 430 § 16. (See 1936, 430 §§ 18-22.)

SECT. 24 revised, 1936, 430 § 17. (See 1936, 430 §§ 18-22.)

Chapter stricken out, and new chapter 151 (with new title) inserted, 1937, 401 § 1. (See 1937, 401 §§ 2, 3.)

The following references are to chapter 151, as inserted by 1937, 401 § 1:

SECT. 19, paragraph added at end, 1938, 237.

Chapter 151A. — Unemployment Compensation.

For temporary act suspending employee contributions under the Unemployment Compensation Law, see 1938, 470.

New chapter inserted, 1935, 479 § 5. (See 1935, 479 §§ 6, 7; 1936, 12 § 3, 249 § 16.)

The following references are to chapter 151A, as inserted by 1935, 479 § 5.

SECT. 1, clauses (1) to (9), inclusive, of paragraph (a) revised, 1936, 249 § 1; paragraph (b) amended, 1936, 249 § 2; paragraph (k) amended,

1936, 249 § 3; paragraph (*m*) amended, 1936, 249 § 4; paragraph (*n*) revised, 1936, 249 § 5.

SECT. 3 revised, 1936, 249 § 6.

SECT. 4 revised, 1936, 249 § 7.

SECT. 7, paragraph added at end, 1936, 249 § 8.

SECT. 7A added, 1936, 249 § 9 (relative to refunding of over-payments or collection of under-payments of contributions).

SECT. 10 amended, 1936, 249 § 10.

SECT. 12 amended, 1936, 12 § 1.

SECT. 17, paragraph (*a*) amended, 1936, 249 § 11.

SECT. 18, paragraph (*a*) amended, 1936, 249 § 12.

SECT. 19, paragraph defining "suitable employment," clause numbered (2), revised, 1936, 12 § 2.

SECT. 20 amended, 1936, 249 § 13.

SECT. 24, second paragraph stricken out, 1936, 249 § 14.

SECT. 48 amended, 1936, 249 § 15.

Chapter stricken out, and new chapter 151A (with same title) inserted, 1937, 421 § 1. (See 1937, 421 §§ 2-4.)

The following references are to chapter 151A, as inserted by 1937, 421 § 1:

SECT. 1, subsection (*k*) revised, 1938, 469 § 1; subsection (*l*) revised, 1938, 469 § 2. (See 1938, 469 § 20.)

SECT. 1A, subsections (1) and (2) revised, 1938, 469 § 3; subsection (6) added, 1938, 469 § 4. (See 1938, 469 § 20.)

SECT. 4, first paragraph revised, 1938, 469 § 5; fifth paragraph stricken out, 1938, 469 § 6; paragraph inserted before the last paragraph, 1938, 469 § 7; last paragraph revised, 1938, 470 § 2. Affected, 1938, 470 § 1. (See 1938, 469 § 20, 470 § 3.)

SECT. 11, subsection (*a*) revised, 1938, 469 § 8. (See 1938, 469 § 20.)

SECT. 14, subsection (*a*) revised, 1938, 469 § 9; subsection (*c*) revised, 1938, 469 § 10; subsection (*d*) added, 1938, 469 § 11. (See 1938, 469 § 20.)

SECT. 15, subsection (*a*) revised, 1938, 469 § 12. (See 1938, 469 § 20.)

SECT. 16, first paragraph of subsection (*d*) revised, 1938, 469 § 13; subsection (*f*) added, 1938, 469 § 14. (See 1938, 469 § 20.)

SECT. 17 revised, 1938, 469 § 15. (See 1938, 469 § 20.)

SECT. 18, subsection (*a*) revised, 1938, 469 § 16; subsection (*d*) revised, 1938, 469 § 17. (See 1938, 469 § 20.)

SECT. 26 amended, 1938, 469 § 18. (See 1938, 469 § 20.)

SECT. 47 revised, 1938, 163.

SECT. 52 added, 1938, 469 § 19 (powers of the unemployment compensation commission when employer fails or refuses to make any required report or return). (See 1938, 469 § 20.)

SECT. 53 added, 1938, 469 § 19 (authorizing the payment without administration of unemployment compensation benefits due a deceased person in certain cases). (See 1938, 469 § 20.)

SECT. 54 added, 1938, 469 § 19 (relative to the effect to be given any ruling or decision of the unemployment compensation commission). (See 1938, 469 § 20.)

Chapter 152. — Workmen's Compensation.

For legislation requiring manufacturers to insure under the workmen's compensation act where employees work on machinery, see 1936, 426.

SECT. 1, two sentences added at end of paragraph (1), 1935, 332 § 1; paragraph (4) revised, 1935, 406.

SECT. 9A revised, 1938, 381.

SECT. 9B added, 1935, 424 (providing for the reference of certain cases under the workmen's compensation law to industrial disease referees); revised, 1938, 462.

SECT. 11 amended, 1932, 129 § 1; paragraph added at end, 1935, 484.

SECT. 12, last paragraph amended, 1932, 117 § 1. (See 1932, 117 § 2; 1935, 351.)

SECT. 13, sentence added at end, 1933, 68.

SECT. 15A amended, 1934, 252.

SECT. 18, sentence added at end, 1938, 102.

SECT. 19, paragraph in lines 17 and 18 revised, 1935, 339.

SECT. 19A added, 1935, 359 (requiring certain notices from employers not insured under the workmen's compensation law).

SECT. 20 revised, 1935, 340.

SECT. 26 amended, 1937, 370 § 1.

SECT. 26A added, 1937, 370 § 2 (providing for payment of workmen's compensation in certain cases of suicide).

SECT. 27 revised, 1935, 331.

SECT. 28 amended, 1934, 292 § 2.

SECT. 29 revised, 1935, 372; 1937, 382.

SECT. 30 revised, 1936, 164.

SECT. 31, first paragraph amended, 1934, 250; paragraph contained in the seventh to the forty-fourth lines revised, 1937, 325.

SECT. 32, new paragraph added, 1935, 361 (relative to payments under the workmen's compensation law to dependents of deceased minor employees).

SECT. 34 revised, 1935, 332 § 2.

SECT. 34A added, 1935, 364 (providing for payments for total and permanent disability under the workmen's compensation law, and establishing methods of determining the same).

SECT. 36, paragraph (j) revised, 1933, 257; section revised, 1935, 333.

SECT. 37 amended, 1937, 321.

SECT. 39 amended, 1937, 317.

SECT. 54A added, 1935, 425 (relative to safeguarding and extending the workmen's compensation law by making void certain contracts or agreements in the nature of insurance which do not insure the payment of the compensation provided for by said law).

SECT. 55, second paragraph revised, 1934, 137 § 1.

SECT. 65 amended, 1935, 395; 1936, 162; 1937, 394.

SECT. 69 revised, 1933, 318 § 7; 1936, 260; amended, 1936, 403.

SECT. 69A added, 1933, 315 (regulating workmen's compensation payments by the commonwealth).

SECT. 69B added, 1936, 427 (further regulating workmen's compensation payments by the commonwealth).

SECT. 73, first sentence amended, 1936, 318 § 4; 1937, 336 § 23.

SECT. 75 revised, 1932, 19.

Chapter 153. — Liability of Employers to Employees for Injuries not resulting in Death.

SECT. 6 amended, 1935, 387.

Chapter 154. — Assignment of Wages.

SECT. 8 added, 1933, 96 (exempting orders for payment of labor or trade union or craft dues or obligations from the operation of the laws regulating assignments of wages).

Chapter 155. — General Provisions relative to Corporations.

SECT. 1 revised, 1935, 297 § 1. (See 1935, 297 § 3.)

SECT. 9 amended, 1938, 327 § 1. (See 1938, 327 § 2.)

SECT. 10 amended, 1933, 11.

SECT. 12A added, 1938, 164 § 1 (making permanent certain provisions of law authorizing domestic corporations to contribute to certain funds for the benefit of social and economic conditions). (See 1938, 164 § 2.)

SECT. 23A added, 1935, 297 § 2 (regulating sales of stocks, bonds and other securities of corporations to their employees); repealed, 1938, 445 § 13. (See 1935, 297 § 3; G. L. chapter 110A § 11A, inserted by 1938, 445 § 9.)

SECT. 50 amended, 1933, 66.

Chapter 156. — Business Corporations.

SECT. 12, form of certificate revised, 1932, 67.

SECT. 30 amended, 1937, 52.

SECT. 41 revised, 1932, 136.

SECT. 54 amended, 1932, 180 § 30.

Chapter 157. — Co-operative Corporations.

SECT. 16, last sentence amended, 1932, 180 § 31.

Chapter 159. — Common Carriers.

SECT. 15, paragraph added at end, 1937, 247; same paragraph stricken out, 1938, 155 § 2.

SECT. 16A added, 1938, 243 (relative to the discontinuance of service by railroads).

SECT. 59 revised, 1933, 326 § 1.

SECT. 60 amended, 1933, 326 § 2.

SECT. 61 amended, 1933, 326 § 3.

SECT. 62 amended, 1933, 326 § 4.

SECT. 65 amended, 1937, 270.

SECT. 70 revised, 1934, 357 § 1.

SECT. 80 amended, 1934, 357 § 2.

SECT. 89 revised, 1936, 363 § 1.

SECT. 90 revised, 1936, 363 § 2.

SECT. 91 revised, 1936, 363 § 3.

SECT. 92 amended, 1936, 363 § 4.

SECT. 93 amended, 1936, 363 § 5.

SECT. 94 amended, 1936, 363 § 6.

SECT. 103 amended, 1933, 10.

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

[Title amended, and headings, "PART I", "CARRIERS OF PASSENGERS BY MOTOR VEHICLE", inserted before section 1, 1933, 372 § 1.]

[SECTS. 17-30 added, under headings, "PART II", "CARRIERS OF PROPERTY BY MOTOR VEHICLE", 1933, 372 § 2 (regulating carriers of property by motor vehicle).]

NOTE: — 1933, 372 repealed by 1934, 264 § 5.

Chapter 159B. — Carriers of Property by Motor Vehicle.

New chapter inserted, 1934, 264 § 1.

The following references are to chapter 159B, as inserted by 1934, 264 § 1:

SECT. 2 revised, 1936, 345 § 1.

SECT. 6 revised, 1936, 345 § 2.

SECT. 7 revised, 1936, 345 § 3; amended, 1938, 332.

SECT. 8 affected, 1935, 24.

SECT. 9 revised, 1936, 345 § 4.

SECT. 10 revised, 1936, 345 § 5; 1937, 381.

SECT. 10A added, 1936, 345 § 6 (prohibiting rebates, discrimination and evasion of regulation in the carrying of property by motor vehicle).

SECT. 13 amended, 1937, 122.

Chapter stricken out, and new chapter 159B (with same title) inserted, 1938, 483 § 1. (See 1938, 483 §§ 2-5.)

Chapter 160. — Railroads.

SECT. 70 amended, 1932, 238.

SECT. 70A revised, 1932, 236; amended, 1934, 264 § 3.

SECT. 104 revised, 1933, 176.

SECT. 142 amended, 1938, 29.

SECT. 198A (see 1936, 267).

SECT. 198B added, 1936, 267 (prohibiting the scalping, so called, of tickets issued by railroad corporations).

Chapter 161. — Street Railways.

Name of Metropolitan Transit District changed to Boston Metropolitan District, and authority to issue notes and bonds defined, 1932, 147.

Temporary act, extending to January 15, 1939, the period of public control and management of the Eastern Massachusetts Street Railway Company, 1933, 108; further extension of five years from said date, 1938, 173.

Temporary acts relative to the purchase of bonds of the Boston Elevated Railway Company by the Boston Metropolitan District, 1933, 235; 1934, 334; 1935, 451; 1936, 308; 1937, 357.

SECT. 42, third sentence amended, 1934, 328 § 20.

SECT. 44 amended, 1934, 264 § 4.

SECT. 77 revised, 1934, 310 § 1.

SECT. 86 revised, 1934, 310 § 2.

SECT. 91A added, 1935, 101 (relative to the number of guards on passenger trains operated by street railway companies).

Chapter 163. — Trackless Trolley Companies.

SECT. 12 added, 1932, 185 (requiring trackless trolley companies to furnish security for civil liability on account of personal injuries or property damage caused by their vehicles).

Chapter 164. — Manufacture and Sale of Gas and Electricity.

For legislation authorizing compacts relative to the interstate transmission of electricity and gas, see 1933, 294.

SECT. 4 amended, 1938, 44.

SECT. 14 amended, 1935, 222.

SECT. 17A added, 1932, 132 (regulating the lending of money by gas and electric companies).

SECT. 33 amended, 1932, 180 § 32.

SECT. 34 amended, 1937, 235 § 1. (See 1937, 235 § 2.)

SECT. 76A added, 1935, 335 § 1 (giving to the department of public utilities supervision over certain affiliates of gas and electric companies).

SECT. 84A added, 1934, 202 § 1 (requiring gas and electric companies to make additional annual returns).

SECT. 85, second paragraph amended, 1935, 335 § 2.

SECT. 85A added, 1933, 202 § 1 (requiring the filing with the department of public utilities of certain contracts of gas and electric companies with affiliated companies).

SECT. 94C added, 1935, 227 (relative to payments, charges, contracts, purchases, sales or obligations or other arrangement between gas or electric companies and affiliated companies, and the burden of proving the reasonableness thereof).

SECT. 94D added, 1936, 243 (prohibiting gas and electric companies from collecting penalty charges for delinquency in the payment of bills for gas or electricity used for domestic purposes).

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 115A added, 1936, 259 § 1 (requiring the periodic replacement of meters for measuring gas); amended, 1937, 40 § 1. (See 1936, 259 §§ 2, 3; 1937, 40 §§ 2, 3.)

SECT. 119 revised, 1934, 365.

SECT. 119A added, 1936, 76 § 1 (requiring bills for gas or electricity used for domestic purposes to be itemized). (See 1936, 76 § 2.)

SECT. 124 amended, 1935, 237, 376 § 2.

SECT. 124A added, 1935, 376 § 1 (relative to the shutting off of gas or electric service in homes where there is serious illness).

Chapter 165. — Water and Aqueduct Companies.

SECT. 4A added, 1933, 202 § 2 (requiring the filing with the department of public utilities of certain contracts of water companies with affiliated companies).

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 12A added, 1934, 202 § 2 (requiring telephone and telegraph companies to make additional annual returns).

SECT. 15A added, 1935, 242 (regulating charges by telephone companies for the use of hand sets, so called).

SECT. 22, second paragraph amended, 1932, 36.

SECT. 22A added, 1932, 266 (relative to the placing underground of certain wires); revised, 1933, 251.

Chapter 167. — Banks and Banking.

For temporary act, authorizing the commissioner of banks to borrow within two years from March 30th, 1932, funds for the payment of dividends in liquidation of certain closed banks, see 1932, 122; time increased to four years, 1934, 304; time further increased to six years, 1936, 263; act amended, 1937, 371; time further increased to eight years, 1938, 261.

For temporary act, operative until January 1st, 1938, authorizing savings banks and savings departments of trust companies to grant loans on proofs of claim of depositors in closed savings banks and in savings departments of closed trust companies, see 1932, 217.

For temporary act, facilitating the reorganization of certain trust companies, and empowering certain holders of deposits in certain trust companies or national banking associations to take in substitution therefor preferred stock thereof, see 1933, 112; 1934, 3.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 §§ 2-5.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2.

SECT. 1 amended, 1935, 452 § 1.

SECT. 2 revised, 1934, 251; first paragraph amended, 1935, 452 § 2.

SECT. 2A added, 1933, 310 (improving the method of examination of banks).

SECT. 4 amended, 1934, 270 § 1.

SECT. 5 revised, 1933, 337.

SECT. 11 revised, 1934, 270 § 2.

SECT. 11A added, 1938, 266 § 1 (placing all corporations conducted on the Morris plan under the supervision of the commissioner of banks and further regulating the business of banking companies).

SECT. 12 revised, 1935, 452 § 3.

SECT. 14 revised, 1933, 334 § 1.

SECT. 17 repealed, 1933, 334 § 2.

SECT. 20 amended, 1933, 190.

SECT. 20A added, 1933, 292 (permitting certain public officers to participate in certain bank reorganizations).

SECTS. 22-36. See 1934, 43 § 11.

SECT. 22. See 1933, 59 § 5, 112 § 7.

SECT. 23. See 1933, 112 § 6.

SECT. 24 amended, 1932, 294; 1933, 41 § 4.

SECT. 31A added, 1933, 277 (authorizing payment of dividends on small deposits in closed banks to certain minors and to the next of kin of certain deceased persons without probate proceedings); revised, 1937, 170.

SECT. 35. See 1936, 428.

SECT. 35A added, 1933, 302 (authorizing the destruction of certain books, records and papers relating to closed banks).

SECT. 35B added, 1934, 241 (providing for semi-annual reports by the commissioner of banks as to progress of liquidation of certain banks).

Chapter 168. — Savings Banks.

For temporary act, establishing the Mutual Savings Central Fund, Inc., for the term of five years, see 1932, 44; term extended to ten years, 1936, 149 § 1.

For temporary act, operative until January 1, 1938, authorizing savings banks and savings departments of trust companies to grant loans on proofs of claim of depositors in closed savings banks and in savings departments of closed trust companies, see 1932, 217.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2.

SECT. 1, two paragraphs (defining "deposit book [etc.]" and "savings bank") added at end, 1933, 334 § 3.

SECT. 2 revised, 1933, 334 § 4.

SECT. 2A added, 1933, 46 § 1 (authorizing savings banks to become members of the Federal Home Loan Bank established for the district of New England).

SECT. 5. See 1936, 143 § 2.

SECT. 11 amended, 1933, 334 § 5.

SECT. 13 amended, 1933, 334 § 6. (See 1933, 41 § 1.)

SECT. 17 revised, 1933, 334 § 7.

SECT. 25 revised, 1933, 334 § 8.

SECT. 25A added, 1933, 334 § 8 (authorizing the collection of savings from school children through principals, teachers, etc.).

SECT. 26 revised, 1933, 334 § 9.

SECT. 27 amended, 1933, 334 § 10.

SECT. 28 revised, 1933, 334 § 11.

SECT. 29 amended, 1933, 334 § 12.

SECT. 33A revised, 1933, 334 § 13.

SECT. 34 revised, 1933, 334 § 14.

SECT. 35 revised, 1933, 334 § 15.

SECT. 45 amended, 1933, 334 § 16.

SECT. 47 revised, 1933, 334 § 17.

SECT. 49 amended, 1933, 334 § 18.

SECT. 50 revised, 1933, 334 § 19.

SECT. 51 revised, 1932, 245 § 1.

SECT. 51A revised, 1933, 334 § 20.

SECT. 53 revised, 1933, 334 § 21.

SECT. 54, clause First, first two paragraphs revised, 1933, 334 § 22; same clause revised, 1937, 180; clause Second, subdivisions (a), (e) and (f) revised, 1933, 334 § 23; subdivision (h) added, 1933, 334 § 24 (forbidding investment of funds in bonds or notes of county, etc., in default, and defining term "in default"); clause Third affected, 1933, 111; 1934, 79; 1935, 72 §§ 1, 2; 1936, 84; 1937, 56; subdivision (p) of clause Third revised, 1936, 79; clause Fourth amended, 1932, 112; clause Sixth A, first paragraph amended, 1937, 96; clause Seventh, first paragraph amended, 1937, 87; second paragraph revised, 1932, 220; clause Ninth, subdivision (c), paragraph (2) stricken out, 1933, 334 § 25; subdivision (e), paragraphs (2), (3) and (5) revised, 1933, 334 § 26; clause Twelfth amended, 1937, 274 § 2; clause Sixteenth affected, 1933, 111; 1934, 79; 1935, 72 §§ 1, 2; 1936, 84; 1937, 56.

SECT. 55, paragraph added at end, 1933, 334 § 27 (authorizing the continuing of the offices of a merged savings bank as branch offices of the continuing bank).

SECT. 56 added, 1933, 41 § 1 (authorizing savings banks to purchase, loan upon or participate in loans upon the assets of certain closed and other banks).

SECT. 57 added, 1933, 334 § 28 (authorizing savings banks to become members of savings bank associations).

Chapter 170. — Co-operative Banks.

For temporary act, establishing the Co-operative Central Bank for the term of five years, see 1932, 45; term extended to ten years, 1935, 82; amount which a member bank may borrow without collateral further regulated, 1935, 136; term further extended to twenty-five years, 1938, 244 § 1.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 §§ 2-5.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240.

For temporary act, authorizing co-operative banks, within a three-year period, to make loans upon real estate differing from ordinary co-operative bank loans, see 1935, 191; time increased to six years, 1936, 203; amended, 1937, 233; time further increased to nine years and act amended, 1938, 199.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2.

For temporary act, authorizing co-operative banks to borrow from any source to make real estate loans, see 1936, 195; duration of act extended, 1938, 81.

The following references are to chapter 170, as appearing in the Tercenary Edition:

SECT. 16 revised, 1932, 292 § 1.

SECT. 19 amended, 1932, 292 § 2.

SECT. 20A added, 1932, 292 § 3 (authorizing payment to spouse or next of kin without administration in case value of shares does not exceed two hundred dollars).

SECT. 36A added, 1932, 292 § 4 (authorizing and regulating borrowings to meet withdrawals and to loan against shares).

SECT. 40, paragraph added at end, 1932, 233 § 1.

SECT. 41 amended, 1932, 233 § 2.

SECT. 42 amended, 1932, 233 § 3.

SECT. 45A added, 1933, 46 § 2 (authorizing co-operative banks to become members of the Federal Home Loan Bank established for the district of New England).

SECT. 50 added, 1932, 201 (authorizing co-operative banks to become members of certain leagues).

Chapter stricken out and new chapter inserted, 1933, 144.

The following references are to the new chapter 170:

SECT. 7 amended, 1938, 162 § 1.

SECT. 12 amended, 1936, 196 § 1; 1938, 159.

SECT. 16, second paragraph revised, 1936, 196 § 2; 1938, 244 § 7.

SECT. 25, sentence added at end, 1935, 174.

SECT. 32A added, under heading "OTHER AUTHORIZED PAYMENTS", 1938, 197 (permitting acceptance of certain payments by co-operative banks).

SECT. 33 amended, 1935, 190.

SECT. 34 amended, 1934, 203 § 1.

SECT. 35, last paragraph stricken out, 1934, 203 § 2.

SECT. 44, second paragraph revised, 1936, 159.

SECT. 47 revised, 1935, 75; 1936, 133.

SECT. 50, first paragraph amended, 1935, 54; 1937, 174.

SECT. 50A added, under caption "CONVERSION", 1935, 215 (establishing the procedure to be followed by a co-operative bank in converting into a federal savings and loan association); first paragraph amended, 1938, 162 § 2; second and third paragraphs revised, 1938, 244 § 6.

Chapter 171. — Credit Unions.

For temporary act, establishing the Central Credit Union Fund, Inc., for the term of five years, see 1932, 216; amended, 1934, 221. Term extended to ten years, 1936, 70.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2.

SECT. 3, second paragraph revised, 1936, 323.

SECT. 15, last sentence stricken out, and paragraph added at end, 1933, 163 § 1; new paragraph added, 1935, 272; paragraph added by 1935, 272 revised, 1936, 329.

SECT. 19A added, 1938, 239 (relative to the liability of certain endorsers upon notes held by credit unions and authorizing the establishment of contingent funds by credit unions).

SECT. 20A added, 1936, 119 (relative to the impairment of the capital of credit unions).

SECT. 21 amended, 1933, 163 § 2; 1937, 228.

SECT. 24, paragraph added at end of subdivision (A), 1933, 163 § 3.

SECT. 29, first paragraph revised, 1936, 139.

Chapter 172. — Trust Companies.

For temporary act, operative until January 1, 1938, authorizing savings banks and savings departments of trust companies to grant loans on proofs of claim of depositors in closed savings banks and in savings departments of closed trust companies, see 1932, 217.

For temporary act, facilitating the reorganization of certain trust companies, and empowering certain holders of deposits in certain trust companies or national banking associations to take in substitution therefor preferred stock thereof, see 1933, 112; 1934, 3.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2.

SECT. 1 revised, 1934, 349 § 1.

SECT. 7, clause Fourth revised, 1934, 349 § 2.

SECT. 9, fifth sentence amended, 1934, 349 § 3.

SECT. 10, first paragraph amended, 1934, 349 § 4.

SECT. 11 revised, 1934, 349 § 5.

SECT. 12 revised, 1934, 349 § 6.

SECT. 13 revised, 1934, 349 § 7.

SECT. 14 revised, 1934, 349 § 8; 1935, 40; amended, 1936, 143 § 1.

SECT. 14A added, 1934, 349 § 9 (relative to the submission of a monthly report by the treasurer of a trust company to its board of directors).

SECT. 15 revised, 1934, 349 § 10.

SECT. 16, paragraph added at end, 1934, 349 § 11.

SECT. 18 revised, 1934, 349 § 12; amended, 1935, 18.

SECT. 19 amended, 1934, 349 § 13.

SECT. 24 revised, 1934, 349 § 14; two paragraphs added at end, 1937, 248.

SECT. 25 amended, 1934, 349 § 15.

SECT. 26 amended, 1934, 349 § 16.

SECT. 30A, sentence added at end, 1934, 349 § 17.

SECT. 31 revised, 1934, 349 § 18.

SECT. 34 revised, 1934, 349 § 19.

SECT. 43 revised, 1934, 349 § 20.

SECT. 44A added, 1933, 41 § 2 (authorizing trust companies to purchase, loan upon or participate in loans upon the assets of certain closed and other banks).

SECT. 45 revised, 1934, 349 § 21.

SECT. 46 revised, 1934, 349 § 22.

SECT. 48 revised, 1934, 349 § 23; paragraph (c) added at end, 1937, 276.

SECT. 54 amended, 1934, 349 § 24; 1935, 172 § 1.

SECT. 54A added, 1935, 172 § 2 (authorizing trust companies under certain conditions to deposit in their commercial departments certain funds held in their trust departments).

SECT. 57 revised, 1934, 349 § 25.

SECT. 60 amended, 1934, 349 § 26.

SECT. 61 amended, 1933, 41 § 3.

SECT. 62 amended, 1934, 349 § 27.

SECT. 66 revised, 1932, 245 § 2.

SECT. 67, paragraph added at end, 1933, 334 § 29 (regulating the declaration and payment of interest on deposits in savings departments of trust companies).

SECT. 74 amended, 1934, 349 § 28.

SECT. 75 revised, 1934, 349 § 29.

SECT. 76 amended, 1934, 349 § 30.

SECT. 80 revised, 1934, 349 § 31 (but see 1934, 349 § 32).

SECT. 82 added, under caption "SET-OFF OR RECOUPMENT OF DEPOSITS", 1932, 295 § 1. (See 1932, 295 § 2.)

SECTS. 83-89 added, under caption "CONSERVATORSHIP", 1933, 87 § 1.

SECTS. 83, 88. See 1933, 112 §§ 6, 9.

SECT. 90 added, 1933, 273 (relative to the enforcement of conservatorship proceedings in respect to trust companies).

Chapter 172A. — Banking Companies.

New chapter inserted, 1935, 452 § 4.

SECT. 1 revised, 1938, 266 § 2.

SECT. 1A added, 1938, 266 § 3 (authorizing certain existing corporations to vote to carry on the business of a banking company on certain conditions).

SECT. 2 amended, 1938, 266 § 4.

SECT. 3 revised, 1938, 266 § 5.

SECT. 4 amended, 1938, 266 § 6.

SECT. 5, first paragraph revised, 1938, 266 § 7.

SECT. 6 revised, 1938, 266 § 9.

SECT. 7A added, 1938, 266 § 8 (relative to the carrying and disposition by certain existing corporations of certain assets not authorized as investments after they become subject to this chapter).

Chapter 175. — Insurance.

For temporary act, authorizing insurance companies, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240.

For temporary act, modifying the requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2.

SECT. 1, paragraph added after word "law" in the fifty-second line, 1938, 306 (defining "resident" with respect to the incorporators, officers and directors of insurance companies).

SECT. 4, first paragraph revised, 1938, 357 § 1.

SECT. 5 amended, 1933, 107 § 2.

SECT. 6, first paragraph amended, 1933, 107 § 3.

SECT. 11, first paragraph amended, 1934, 92 § 1; third paragraph amended, 1933, 5.

SECT. 19A amended, 1934, 137 § 2.

SECT. 22A revised, 1935, 234; last paragraph amended, 1938, 181.

SECT. 25, last paragraph of Form A stricken out, 1934, 12; last paragraph of section amended, 1934, 92 § 2.

SECT. 32 revised, 1938, 357 § 2.

SECT. 36, second paragraph revised, 1935, 140; 1936, 61; two paragraphs added at end, 1938, 218 § 1.

SECT. 47, clause First revised, 1938, 176; clause Fourth revised, 1938, 307; clause Seventh amended, 1937, 261; clause Twelfth revised, 1935, 204.

SECT. 50, third sentence amended, 1932, 180 § 33.

SECT. 54A added, 1932, 165 (permitting certain insurance companies to make outside the commonwealth contracts insuring personal property against all risks or hazards); amended, 1938, 198.

SECT. 64, second paragraph amended, 1936, 213.

SECT. 72 amended, 1936, 212.

SECT. 79 revised, 1933, 23 § 1.

SECT. 80, paragraph inserted after the word "classified" in the twenty-third line, 1936, 315.

SECT. 87 repealed, 1934, 22.

SECT. 90B revised, 1933, 23 § 2.

SECT. 94, first two paragraphs stricken out, and new paragraph inserted, 1933, 81; first paragraph amended, 1938, 218 § 2.

SECT. 97 amended, 1933, 31.

SECT. 99, clause Ninth revised, 1934, 95.

SECT. 102 amended, 1932, 174 § 1; revised, 1934, 110 § 1. (See 1932, 174 § 2; 1934, 110 § 2.)

SECT. 106 revised, 1932, 150 § 1. (See 1932, 150 § 4.)

SECT. 110A added, 1938, 401 (relative to exemption of the benefits of disability insurance from attachment and execution).

SECT. 113A, provision (2) amended, 1933, 119 § 1, revised, 1933, 145 § 1; provision (2A) added, 1933, 145 § 2, amended, 1935, 296 § 1; provision (6) revised, 1936, 272. (See 1933, 145 § 3; 1935, 296 § 2.)

SECT. 113B, new paragraph added, 1935, 459 § 4. (See 1935, 459 § 5.)

SECT. 113D, first paragraph revised, 1933, 119 § 2; fourth paragraph revised, 1933, 146 § 1; sixth paragraph revised, 1933, 146 § 2, amended,

1934, 46; first sentence of sixth paragraph amended, 1938, 311; paragraph added at end, 1933, 119 § 3; paragraph added at end, 1934, 379. (See 1933, 119 § 6, 146 § 3.)

SECT. 113E added, 1934, 61 (prohibiting certain discrimination in the issuance or execution of motor vehicle liability policies or bonds).

SECT. 113F added, 1937, 390 (relative to the renewal of motor vehicle liability policies or bonds, so called, in certain cases); first paragraph amended, 1938, 351.

SECT. 114 amended, 1932, 180 § 34.

SECT. 116A amended, 1932, 180 § 35.

SECT. 117A, first paragraph amended, 1938, 216 § 1; heading before section 117A stricken out and "MARINE AND AUTOMOBILE AND SPRINKLER LEAKAGE INSURANCE" inserted, 1938, 216 § 2.

SECTS. 125, 126. See 1933, 42.

SECT. 132, first paragraph revised, 1933, 101 § 1.

SECT. 133, clause (b) amended, 1938, 362 § 2; clause (c) added, 1938, 362 § 1.

SECT. 134, sentence added at end of provision numbered 4, 1938, 362 § 3; last paragraph stricken out and three new paragraphs inserted, 1938, 362 § 4.

SECT. 140, third paragraph amended, 1933, 101 § 2.

SECT. 144, last paragraph revised, 1933, 101 § 3; first three paragraphs stricken out and four new paragraphs inserted, 1938, 209 § 1. (See 1938, 209 § 3.)

SECT. 147 amended, 1938, 209 § 2.

SECT. 147B added, 1935, 232 (requiring foreign life insurance companies to provide for paid-up and extended term insurance and cash surrender values on policies of industrial life insurance issued in the commonwealth).

SECT. 151, clause Second amended, 1933, 107 § 1.

SECT. 155, clause First revised, 1932, 150 § 2. (See 1932, 150 § 4.)

SECT. 156A amended, 1933, 30.

SECT. 160A added, 1933, 25 § 1 (prohibiting the printing or publication of certain advertisements for or on behalf of unlicensed insurance companies).

SECT. 160B added, 1934, 14 § 1 (authorizing the commissioner of insurance to publish certain information relative to unlicensed foreign insurance companies or societies).

SECT. 164A added, 1938, 225 (providing that no insurance agent shall be charged with a decrease or deduction from his commission or salary on account of industrial life insurance policies lapsed or surrendered after being paid on for three years).

SECT. 167A amended, 1934, 137 § 3; 1937, 260.

SECT. 181 revised, 1934, 160.

SECT. 184 amended, 1937, 103.

SECT. 185, second paragraph revised, 1932, 150 § 3.

SECT. 187C, first paragraph amended, 1934, 34; 1936, 215 § 1. (See 1936, 215 § 2.)

SECT. 193B added, 1937, 314 (authorizing the payment of motor vehicle insurance premiums in instalments).

Chapter 176. — Fraternal Benefit Societies.

SECT. 5 amended, 1933, 25 § 2; 1934, 14 § 2.

SECT. 16 amended, 1938, 93.

SECT. 21 amended, 1934, 170; revised, 1937, 79.

SECT. 23 amended, 1932, 46; 1938, 94.

SECT. 25 revised, 1938, 157.

SECT. 40, first two sentences amended, 1932, 180 § 36.

SECT. 45, second paragraph amended, 1932, 104.

SECT. 46B added, 1932, 47 § 1 (authorizing certain fraternal benefit societies to acquire, hold, manage and dispose of real property, and confirming title to such property heretofore acquired by certain of such societies).

Chapter 176A. — Non-Profit Hospital Service Corporations.

New chapter inserted, 1936, 409.

Chapter 178. — Savings Bank Life Insurance.

SECT. 10 amended, 1935, 330 § 1.

SECT. 11 amended, 1935, 330 § 2.

SECT. 11A added, 1935, 330 § 3 (relative to non-payment of premiums on annuity and certain other contracts).

SECT. 15 amended, 1935, 330 § 4; 1936, 285 § 1.

SECT. 17 revised, 1935, 330 § 5.

SECT. 19 amended, 1935, 330 § 6.

SECT. 21 revised, 1935, 330 § 7; amended, 1936, 285 § 2.

SECT. 26 revised, 1932, 103.

SECT. 29 amended, 1936, 285 § 3.

SECT. 30 amended, 1936, 285 § 4.

Chapter 180. — Corporations for Charitable and Certain Other Purposes.

SECT. 5 amended, 1934, 328 § 21.

SECT. 10 amended, 1932, 180 § 37; revised, 1937, 151 § 1.

SECT. 11 revised, 1937, 151 § 2.

SECT. 12A amended, 1935, 246.

SECT. 26A added, 1933, 236 § 1 (requiring the filing of annual returns by certain incorporated clubs and other corporations). (See 1933, 236 § 2.)

SECT. 27 amended, 1934, 328 § 22.

Chapter 183. — Alienation of Land.

SECT. 43 amended, 1937, 101 § 1.

SECT. 44 amended, 1937, 101 § 2.

Chapter 184. — General Provisions relative to Real Property.

SECT. 13 amended, 1937, 112; revised, 1937, 245 § 1. (See 1937, 245 § 2.)

Chapter 185. — The Land Court and Registration of Title to Land.

SECT. 1, clause (*b*) revised, 1935, 318 § 3; clause (*c*) revised, 1935, 318 § 4; clause (*j*¹/₂) added, 1934, 263 § 1 (granting to land court exclusive original jurisdiction to determine by declaratory judgment the validity and extent of municipal zoning ordinances, by-laws and regulations); clause (*k*) revised, 1934, 67 § 1; clauses (*l*) and (*m*) added, 1935, 318 § 5 (granting to said court original jurisdiction concurrent with supreme judicial and superior courts of certain suits in equity); paragraph in lines 44-50, inclusive, revised, 1937, 183 § 1. (See 1934, 67 § 2; 1935, 318 § 8; 1937, 183 § 2.)

SECT. 2 amended, 1937, 409 § 3. (See 1937, 409 § 7.)

SECT. 2A repealed, 1937, 409 § 4. (See 1937, 409 § 7.)

SECT. 25A added, 1933, 55 (relative to the power of the land court to enforce its orders and decrees, and relative to service of its processes).

SECT. 40 amended, 1937, 118.

SECT. 78 amended, 1937, 144 § 1. (See 1937, 144 § 2.)

Chapter 189. — Dower and Curtesy.

SECT. 3 revised, 1936, 91 § 1. (See 1936, 91 § 2.)

Chapter 192. — Probate of Wills and Appointment of Executors.

SECT. 1A added, 1934, 113 (requiring that the attorney general be made a party in certain proceedings relative to the probate of wills).

SECT. 7. See 1937, 408 § 3.

Chapter 193. — Appointment of Administrators.

SECT. 3 amended, 1938, 328.

Chapter 194. — Public Administrators.

SECT. 7 revised, 1933, 100.

SECT. 9, last sentence amended, 1932, 180 § 38; section affected, 1932, 180 § 45.

SECT. 10. See 1936, 428.

Chapter 195. — General Provisions relative to Executors and Administrators.

SECTS. 1-4 repealed, 1933, 221 § 1. (See 1933, 221 § 8.)

SECT. 8 amended, 1933, 221 § 2. (See 1933, 221 § 8.)

Chapter 196. — Allowances to Widows and Children, and Advancements.

SECT. 2 amended, 1933, 36; revised, 1936, 214.

Chapter 197. — Payment of Debts, Legacies and Distributive Shares.

SECT. 2 amended, 1933, 221 § 3. (See 1933, 221 § 8.)

SECT. 9 amended, 1933, 221 § 4. (See 1933, 221 § 8.)

Chapter 201. — Guardians and Conservators.

SECT. 13, new sentence added at end, 1934, 204 § 1.

SECT. 18, new sentence added at end, 1934, 204 § 2.

SECT. 39A added, 1936, 270 (authorizing payments from estates of minors under guardianship for expenses for the funerals of the parents in certain cases).

SECT. 47A added, 1937, 312 § 1 (permitting guardians and conservators to invest funds in certain insurance policies and annuity contracts).

Chapter 202. — Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

SECT. 4A added, 1933, 129 (relative to the use and management of real estate of a decedent by his executor or administrator for the purpose of the payment of debts from the rents thereof).

SECT. 14 amended, 1934, 157 § 1.

SECT. 20 revised, 1933, 221 § 5. (See 1933, 221 § 8.)

Chapter 203. — Trusts.

SECT. 16 amended, 1934, 157 § 2.

SECT. 17A added, 1932, 50 (relative to the sale of real estate by foreign testamentary trustees).

SECT. 22 amended, 1936, 184 § 1. (See 1936, 184 § 2.)

SECT. 25A added, under the heading "PURCHASE OF INSURANCE POLICIES OR ANNUITY CONTRACTS", 1937, 312 § 2 (permitting trustees to invest funds in certain insurance policies and annuity contracts).

Chapter 204. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

SECT. 26 amended, 1933, 221 § 6. (See 1933, 221 § 8.)

Chapter 206. — Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 17 amended, 1936, 208.

SECT. 19 repealed, 1938, 154 § 2.

SECT. 23 repealed, 1938, 154 § 2.

SECT. 24 revised, 1938, 154 § 1.

Chapter 207. — Marriage.

SECT. 20 amended, 1933, 127.

SECT. 30 amended, 1937, 11 § 1. (See 1937, 11 § 2.)

SECT. 38 revised, 1932, 162.

SECT. 47A added, under heading "BREACH OF CONTRACT TO MARRY NOT ACTIONABLE", 1938, 350 § 1 (abolishing causes of action for breach of contract to marry). (See 1938, 350 § 3.)

Chapter 208. — Divorce.

SECT. 2 revised, 1937, 76 § 1. (See 1937, 76 § 2.)

SECT. 19 revised, 1932, 3.

SECT. 21, sentence added at end, 1934, 181 § 1. (See 1934, 181 § 2.)

SECT. 33 revised, 1936, 221 § 1. (See 1936, 221 § 2.)

SECT. 38 revised, 1933, 288.

Chapter 209. — Husband and Wife.

SECT. 32, sentence added at end, 1938, 136.

SECT. 33 revised, 1933, 360.

Chapter 211. — The Supreme Judicial Court.

SECT. 11 revised, 1933, 300 § 1. (See 1933, 300 § 4.)

SECT. 19 revised, 1938, 115 § 1.

Chapter 212. — The Superior Court.

For act further extending to January 1st, 1941, the operation of certain provisions of law (1923, 469, as amended,) relative to the more prompt disposition of criminal cases in the superior court, see 1937, 358.

For act relative to sittings and sessions of the superior court, see 1932, 144. (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECT. 14 revised, 1932, 144 § 1. (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECT. 14A added, 1932, 144 § 2 (regulating the establishing of sessions and sittings of the superior court). (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECTS. 15-18 repealed, 1932, 144 § 3.

SECT. 22 amended, 1934, 287.

SECT. 25 amended, 1932, 144 § 4.

SECT. 26A added, 1935, 229 § 1 (providing for the transfer from the superior court to the land court of certain actions at law and suits in equity where any right, title or interest in land is involved). (See 1935, 229 § 2.)

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

SECT. 6 amended, 1932, 144 § 5.

Chapter 214. — Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.

SECT. 1 amended, 1935, 407 § 2. (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (*h*) inserted by 1938, 345 § 2.)

SECT. 9 amended, 1934, 381; 1935, 407 § 3. (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (*h*) inserted by 1938, 345 § 2.)

SECT. 9A added, 1935, 407 § 4 (limiting authority of courts to grant injunctive relief in cases involving or growing out of labor disputes). (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (*h*) inserted by 1938, 345 § 2.)

Chapter 215. — Probate Courts.

SECT. 6 amended, 1933, 237 § 1; revised, 1937, 257.

SECT. 6B added, 1935, 247 § 1 (providing for interpretative judgments in the probate courts as to the meaning of written instruments). (See 1935, 247 § 2.)

SECT. 30A amended, 1934, 330.

SECT. 62, paragraph in lines 17-20 revised, 1932, 107; 1936, 241; paragraph in lines 29-33 revised, 1934, 24; paragraph in lines 34-37 amended, 1934, 54; same paragraph revised, 1934, 175 § 1; paragraph in lines 45-51 revised, 1935, 132; paragraph in lines 56 and 57 revised, 1933, 274. (See 1934, 175 § 2.)

Chapter 217. — Judges and Registers of Probate and Insolvency.

For legislation relative to abolition of office of special judge of probate and insolvency on the death, resignation or removal of the incumbent, see 1937, 408 § 8.

SECT. 1 amended, 1935, 434 § 1.

SECT. 2 amended, 1934, 290; 1935, 434 § 2.

SECTS. 5 and 6 stricken out and new sections 5, 5A, 6, 6A inserted, 1937, 408 § 3. (See 1937, 408 § 9.)

SECT. 7, sentence added at end, 1937, 408 § 4. (See 1937, 408 §§ 3, 9.)

SECT. 8 revised, 1937, 408 § 5. (See 1937, 408 § 9.)

SECT. 30 revised, 1935, 143 § 1;* 1935, 313 § 1; 1936, 252 § 1. (See 1935, 313 § 3; 1936, 252 § 2.)

SECT. 31A added,* 1935, 313 § 2 (providing for the appointment of a messenger for the probate court of Essex county). (See 1935, 313 § 3.)

SECT. 34 revised, 1937, 408 § 1. (See 1937, 408 § 9.)

SECT. 38 repealed, 1937, 408 § 2.

SECT. 40 revised, 1937, 408 § 6. (See 1937, 408 § 9.)

SECT. 41 amended, 1937, 408 § 7. (See 1937, 408 §§ 8, 9.)

Chapter 218. — District Courts.

For act further extending to January 1st, 1941, the operation of certain provisions of law (1923, 469, as amended,) authorizing certain justices of district courts to sit in criminal cases in the superior court, see 1937, 358.

SECT. 1, first paragraph under caption "*Franklin*" revised, 1932, 87 § 1.

SECT. 8 revised, 1936, 282 § 1. (See 1936, 282 § 3.)

SECT. 9, sentence added at end, 1934, 217 § 1.

SECT. 10 amended, 1932, 160 § 1; 1937, 297 § 1; 1938, 193 § 1; last paragraph revised, 1938, 222 § 1. (See 1937, 297 § 2; 1938, 193 § 2, 222 § 2.)

SECT. 13 revised, 1937, 59.

SECT. 16 revised, 1937, 219 § 3.

SECT. 19 amended, 1934, 387 § 1. (See 1934, 387 § 5.)

SECT. 22 amended, 1937, 310.

SECT. 26 revised, 1937, 301 § 1; 1938, 365 § 1. (See 1937, 301 § 2; 1938, 365 § 2.)

SECT. 29 amended, 1932, 55.

SECT. 43A, first paragraph amended, 1938, 324.

SECT. 53, paragraph added after the first paragraph, 1936, 230.

SECT. 58 revised, 1936, 282 § 2. (See 1936, 282 § 3.)

SECT. 62 amended,* 1932, 235 § 1; revised,* 1932, 247 § 1; amended, 1935, 71 § 1; 1937, 298. (See 1935, 71 § 2.)

SECT. 63 revised, 1935, 341.

SECT. 76 amended, 1932, 269 § 1; 1935, 366 § 1; 1937, 378 § 1. (See 1935, 366 § 3.)

SECT. 77 revised, 1937, 294.

SECT. 80, sentence added at end, 1935, 366 § 2; section amended, 1936, 229 § 1; 1937, 378 § 2. (See 1935, 366 § 3; 1936, 229 § 2.)

Chapter 219. — Trial Justices.

SECT. 28 amended, 1934, 328 § 23.

Chapter 220. — Courts and Naturalization.

SECTS. 13A and 13B added, 1935, 407 § 5 (regulating procedure in trials for contempt arising out of disobedience to decrees or process of courts in labor dispute cases). (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6(h) inserted by 1938, 345 § 2.)

SECT. 14A added, 1936, 206 § 1 (relative to the time within which certain justices shall render their decisions). (See 1936, 206 § 2.)

SECTS. 16 and 17 repealed, 1932, 144 § 3.

SECT. 19 repealed, 1932, 16.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 4 amended, 1935, 89 § 1; 1937, 158 § 1. (See 1935, 89 § 2; 1937, 158 § 2.)

SECT. 5 amended, 1932, 51.

SECT. 12 revised, 1937, 219 § 4.

SECT. 24 revised, 1936, 31 § 3.

SECT. 46 revised, 1935, 346 § 1.

SECTS. 46A and 46B added, 1935, 346 § 2 (prohibiting individuals not members of the bar from practising law or attempting so to do and providing a means of restraining unauthorized practice of law).

SECT. 47 repealed, 1935, 346 § 3.

SECT. 49 repealed, 1935, 346 § 3.

SECT. 58 amended, 1932, 40 § 1.

SECT. 60 repealed, 1932, 40 § 2.

SECT. 73 revised, 1935, 182 § 2; stricken out and new sections 73 and 73A inserted, 1938, 347 § 2. (See 1935, 182 §§ 5, 6; 1938, 347 § 3.)

SECT. 76 revised, 1935, 182 § 3. (See 1935, 182 §§ 5, 6.)

SECT. 80 amended, 1935, 182 § 4. (See 1935, 182 § 6.)

SECT. 94, first sentence amended, 1932, 180 § 39.

Chapter 223. — Commencement of Actions, Service of Process.

SECT. 2 revised, 1934, 387 § 2. (See 1934, 387 § 5.)

SECT. 2A added, 1935, 483 § 1 (providing for trial together of two or more actions arising out of the same motor vehicle accident pending in district courts). (See 1935, 483 §§ 2, 3.)

SECT. 24 amended, 1938, 115 § 2.

SECT. 42 amended, 1937, 295 § 1.

SECT. 44A added, 1937, 295 § 2 (further regulating the attachment of motor vehicles on mesne process in actions of contract).

SECT. 48 revised, 1937, 308; amended, 1938, 348 § 1. (See 1938, 348 § 2.)

SECT. 114 amended, 1938, 325 § 1. (See 1938, 325 § 2.)

Chapter 228. — Survival of Actions and Death and Disabilities of Parties.

SECT. 1 revised, 1934, 300 § 1. (See 1934, 300 § 2.)

SECT. 5 amended, 1933, 221 § 7; revised, 1937, 406 § 1. Affected, 1938, 16. (See 1933, 221 § 8.)

Chapter 229. — Actions for Death and Injuries Resulting in Death.

SECT. 5 amended, 1937, 406 § 3.

SECT. 5A added, 1938, 278 § 1 (to permit recovery in certain death cases notwithstanding that the death of the tortfeasor occurred before that of the person whose death he caused). (See 1938, 278 § 2.)

Chapter 230. — Actions By and Against Executors and Administrators.

SECT. 5 amended, 1934, 116.

Chapter 231. — Pleading and Practice.

SECT. 55 amended, 1935, 318 § 6. (See 1935, 318 § 8.)

SECT. 59C added, under caption "SPEEDY TRIAL OF CERTAIN ACTIONS FOR MALPRACTICE, ERROR OR MISTAKE", 1935, 118 § 1 (relative to the advancement for speedy trial in the superior court of actions against physicians and others for malpractice, error or mistake). (See 1935, 118 § 2.)

SECT. 63 amended, 1932, 84 § 1.

SECT. 69 amended, 1932, 177 § 1. (See 1932, 177 § 2.)

SECT. 73 repealed, 1932, 180 § 40.

SECT. 78 repealed, 1932, 180 § 40.

SECT. 84A added, 1933, 247 § 1 (relative to the joint trial in the superior court of actions involving the same subject matter). (See 1933, 247 § 2.)

SECTS. 85B and 85C added, 1937, 439 § 1 (relative to procedure in certain actions to recover damages arising out of motor vehicle accidents and in suits by judgment creditors in actions to reach and apply the proceeds of motor vehicle liability policies and in actions to recover on motor vehicle liability bonds). (See 1937, 439 § 2.)

SECT. 102A added, 1934, 387 § 3 (relative to the removal to the superior court of an action of tort arising out of the operation of a motor vehicle); amended, 1937, 133 § 1; revised, 1938, 338 § 1. (See 1934, 387 § 5; 1937, 133 § 2; 1938, 338 § 2.)

SECT. 108, second sentence of third paragraph revised, 1933, 255 § 1. (See 1933, 255 § 2.)

SECT. 133 amended, 1933, 300 § 2. (See 1933, 300 § 4.)

SECT. 140A added, 1932, 130 § 1 (relative to the effect of a settlement by agreement of an action of tort growing out of a motor vehicle accident upon the right of a defendant in such action to maintain a cross action).

SECT. 141 amended, 1932, 130 § 2; 1933, 300 § 3; 1934, 387 § 4. (See 1933, 300 § 4; 1934, 387 § 5.)

SECT. 142 amended, 1935, 318 § 7. (See 1935, 318 § 8.)

SECT. 147, Form 8 repealed, 1938, 350 § 2.

Chapter 233. — Witnesses and Evidence.

SECT. 3A added, 1933, 262 (authorizing the commissioner of banks to respond to summonses or subpoenas by an employee or other assistant in his department).

SECT. 8 amended, 1933, 269 § 3, 376 § 3.

SECTS. 13A-13D added, 1937, 210 § 1 (making uniform the law securing the attendance of witnesses from without a state in criminal proceedings). (See 1937, 210 § 2.)

SECT. 22 amended, 1932, 97 § 1.

SECT. 26 amended, 1932, 71 § 1.

SECT. 29 amended, 1932, 71 § 2.

SECT. 30 amended, 1932, 71 § 3.

SECT. 32 amended, 1932, 71 § 4.

SECT. 33 amended, 1932, 71 § 5.

SECT. 34 amended, 1932, 71 § 6.

SECT. 45 amended, 1932, 71 § 7.

SECT. 46 amended, 1932, 71 § 8.

SECT. 47 amended, 1932, 71 § 9.

SECT. 48 amended, 1932, 71 § 10.

SECT. 49 amended, 1932, 71 § 11.

SECT. 76A added, 1938, 213 § 1 (relative to the use of authenticated copies of certain papers and documents filed with the federal securities and exchange commission). (See 1938, 213 § 2.)

Chapter 234. — Juries.

SECT. 1 amended, 1935, 257 § 11; 1936, 25. (See 1935, 257 § 12.)

SECT. 11 amended, 1934, 150.

SECT. 15 repealed, 1936, 161 § 1. (See 1936, 161 § 3.)

Chapter 240. — Proceedings for Settlement of Title to Land.

SECT. 14A added, 1934, 263 § 2 (providing for determination by the land court by declaratory judgment as to the validity and extent of municipal zoning ordinances, by-laws and regulations).

Chapter 246. — Trustee Process.

SECT. 1 revised, 1938, 303 § 1. (See 1938, 303 § 2.)

SECT. 28 temporarily affected, 1934, 74; revised, 1935, 410 § 1. (See 1935, 410 §§ 2, 3.)

SECT. 32, paragraph added at end, 1938, 343.

Chapter 249. — Audita Querela, Certiorari, Mandamus and Quo Warranto.

SECT. 5 amended, 1938, 202.

Chapter 250. — Writs of Error, Vacating Judgment, Writs of Review.

SECT. 16 amended, 1933, 244 § 1. (See 1933, 244 § 2.)

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens thereon.

SECT. 1. See 1933, 142 (recording of federal crop loans to farmers). See also 1936, 264 subsection 20 (relative to trust receipt and pledge transactions).

SECT. 3 amended, 1935, 86 § 2.

SECTS. 7A-7E added, 1935, 86 § 1 (relative to the mortgaging of crops and certain other classes of personal property).

SECT. 13A added, 1935, 348 § 1 (regulating conditional sales of motor vehicles). (See 1935, 348 § 2.)

SECT. 13B added, 1935, 396 (relative to certain contracts of conditional sale of household or personal effects).

SECTS. 13C and 13D added, 1937, 315 (relative to contracts of conditional sale of household furniture or other household or personal effects except jewelry).

SECT. 13C revised, 1938, 367.

SECT. 35 amended, 1938, 83 § 1. (See 1938, 83 § 2.)

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

New chapter inserted, 1936, 264.

Chapter 258. — Claims against the Commonwealth.

SECT. 3 revised, 1932, 180 § 41.

Chapter 260. — Limitation of Actions.

SECT. 4 amended, 1933, 318 § 5; 1934, 291 § 4; 1937, 385 § 9. (See 1933, 318 § 9; 1934, 291 § 6; 1937, 385 § 10.)

SECT. 10, sentence added at end, 1937, 406 § 2.

Chapter 261. — Costs in Civil Actions.

SECT. 4 amended, 1937, 44 § 1. (See 1937, 44 § 2.)

Chapter 262. — Fees of Certain Officers.

SECT. 4, seventh paragraph amended, 1937, 188.

SECT. 5 amended, 1933, 201.

SECT. 25 amended, 1933, 162; 1934, 141.

SECT. 32 revised, 1935, 280.

SECT. 34 amended, 1933, 21.

SECT. 34A added, 1938, 380 (authorizing the charging of certain fees by city and town clerks or registrars for the expense of the examination or copying by them of records of births, marriages and deaths).

SECT. 38, second paragraph amended, 1937, 97.

SECT. 40 revised, 1934, 324 § 1. (See 1934, 324 § 2.)

SECT. 46A added, 1938, 232 (to provide for furnishing without charge copies of records relating to soldiers, sailors and marines in certain cases).

SECT. 53 amended, 1936, 251.

Chapter 263. — Rights of Persons Accused of Crime.

SECT. 4A added, 1934, 358 (expediting the arraignment of persons charged with crimes not punishable by death by permitting them to waive indictment proceedings).

SECT. 6 amended, 1933, 246 § 1. (See 1933, 246 § 2.)

Chapter 264. — Crimes against Governments.

SECT. 5 revised, 1932, 298; amended, 1933, 153 § 3; 1934, 56.

SECT. 10A revised, 1933, 276.

Chapter 265. — Crimes against the Person.

SECT. 25 revised, 1932, 211.

SECT. 26 amended, 1934, 1.

Chapter 266. — Crimes against Property.

SECT. 1 revised, 1932, 192 § 1.

SECT. 2 revised, 1932, 192 § 2.

SECTS. 3 and 4 repealed, 1932, 192 § 3.

SECT. 5 revised, 1932, 192 § 4.

SECT. 5A added, 1932, 192 § 5 (defining and providing penalties for attempts to commit arson).

SECT. 6 repealed, 1932, 192 § 3.

SECT. 8 revised, 1932, 192 § 6.

SECT. 10 revised, 1932, 192 § 7.

SECT. 22 amended, 1935, 365.

SECT. 37 revised, 1937, 99.

SECT. 52 amended, 1934, 270 § 3.

SECT. 54. See 1933, 59 § 3.

SECT. 70 amended, 1933, 245 § 4.

SECTS. 75A and 75B added, 1932, 11 (penalizing the fraudulent operation of slot machines, coin-box telephones and other coin receptacles, and the manufacture and sale of devices intended to be used in such operation).

SECT. 116A added, 1935, 116 (providing for the protection of wild azaleas, wild orchids and cardinal flowers).

Chapter 268. — Crimes against Public Justice.

SECT. 14A added, 1936, 168 (imposing a penalty for depriving employees of their employment because of jury service).

SECT. 16 revised, 1934, 344.

SECT. 26 amended, 1934, 328 § 24.

SECT. 27 amended, 1934, 328 § 25.

SECT. 29 amended, 1934, 328 § 26.

SECT. 33 amended, 1935, 440 § 44.

Chapter 269. — Crimes against Public Peace.

SECT. 10 amended, 1935, 290; 1936, 227 § 1; 1937, 250 § 1. (See 1936, 227 § 2; 1937, 250 § 2.)

SECT. 10B added, 1934, 359 § 2 (further regulating the sale, rental and leasing of rifles and shotguns).

SECTS. 11A-11D added, under caption "TAMPERING WITH IDENTIFYING NUMBERS OF CERTAIN FIREARMS", 1937, 199 (relative to certain firearms the serial or identification numbers of which have been removed, defaced, altered, obliterated or mutilated).

Chapter 270. — Crimes against Public Health.

SECT. 5 amended, 1934, 328 § 27.

Chapter 271. — Crimes against Public Policy.

SECT. 6A added, 1938, 144 (making certain endless chain transactions subject to the laws relative to lotteries).

SECT. 22A revised, 1934, 371; paragraphs added at end, 1936, 222, 283.

SECT. 23 amended, 1934, 235 § 3, 303 § 1.

SECTS. 31, 33, 34 affected by 1935, 454 § 8, 471 § 2.

Chapter 272. — Crimes against Chastity, Morality, Decency and Good Order.

SECT. 25 revised, 1933, 376 § 4.

SECT. 28 amended, 1934, 231.

SECTS. 79A and 79B added, 1934, 234 § 1 (relative to the cutting of the muscles or tendons of horses' tails and to the showing or exhibiting of horses whose tails have been so cut or have been docked). (See 1934, 234 § 2.)

SECT. 80 repealed, 1934, 234 § 1. (See 1934, 234 § 2.)

SECT. 92A added, 1933, 117 (preventing advertisements tending to discriminate against persons of any religious sect, creed, class, denomination or nationality by places of public accommodation, resort or amusement).

SECT. 97A added, 1934, 164 (prohibiting the use of documents drawn to imitate judicial process).

SECT. 98 amended, 1934, 138.

SECT. 98A added, 1938, 155 § 1 (entitling blind persons accompanied by "seeing eye" dogs, so called, to certain accommodations, advantages, etc.).

SECT. 103 added, 1936, 417 (prohibiting marathon dances, other marathons or walkathons, so called).

Chapter 273. — Desertion, Non-Support and Illegitimacy.

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SECT. 9 repealed, 1938, 219 § 1.

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Chapter 275. — Proceedings to prevent Crimes.

SECT. 15 repealed, 1932, 180 § 42.

Chapter 276. — Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation.

SECT. 1, first paragraph amended, 1934, 303 § 2; clause Eleventh amended, 1934, 235 § 1.

SECT. 3 amended, 1934, 340 § 15. (See 1934, 340 § 18.)

SECT. 3A added, 1934, 247 (concerning the service of search warrants).

SECT. 7 amended, 1934, 235 § 2.

SECTS. 10A-10D added, under caption "EXTRA-TERRITORIAL ARREST ON FRESH PURSUIT", 1937, 208 § 1 (making uniform the law as to extra-territorial arrest on fresh pursuit and authorizing this commonwealth to co-operate with other states in connection therewith). (See 1937, 208 § 2.)

SECTS. 11-20 and caption "FUGITIVES FROM JUSTICE" stricken out and new sections 11-20R inserted, under caption "PROCEDURE ON INTERSTATE RENDITION", 1937, 304 § 1. (See 1937, 304 §§ 2, 3.)

SECT. 37A added, 1932, 180 § 43 (relative to the assignment of counsel to appear, on behalf of a person accused of a capital crime, at his preliminary examination). [For prior legislation, see G. L. chapter 277, §§ 48, 49, repealed by 1932, 180 § 44.]

SECT. 83 revised, 1936, 360; amended, 1937, 186.

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SECT. 6 revised, 1937, 251 § 1. (See 1937, 251 § 2.)

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, December 5, 1938.

I certify that the acts and resolves contained in this volume are true copies of the originals on file in this department.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the Joint Committee on Rules of the General Court, in accordance with the provisions of General Laws, Tercentenary Edition, chapter 3, section 51.

FREDERIC W. COOK,
Secretary of the Commonwealth.

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